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Privacy Act Issuances 1989 Compilation

Volume IV

Systems of Records
Agency Rules



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National Archives and Records
Administration**

PRIVACY ACT ISSUANCES, 1989 COMPILATION VOLUME IV

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PRIVACY ACT ISSUANCES, 1989 COMPILATION

EXPLANATION

This multivolume biennial compilation contains:

- descriptions of systems of records maintained on individuals by Federal agencies which were published in the **FEDERAL REGISTER** as required by the Privacy Act of 1974;
- rules of each agency which set out the procedures that agencies will follow in helping individuals who request information about their records.

AUTHORITY

This compilation of Privacy Act Issuances is published by the Office of the Federal Register in compliance with the requirements of the Privacy Act of 1974 (5 U.S.C. 552a).

CUTOFF DATES

This compilation reflects rules and notices of systems of records in effect as of December 31, 1989.

TITLE AND FORM OF CITATION

The official title of this publication is "Privacy Act Issuances, 1989 Compilation". To cite a system of records or rule in this publication, the form of citation would be:

Privacy Act Issuances, 1989 Comp., Volume ..., p....

HOW TO USE THIS COMPILATION

Identify the system you think may contain information about you and the agency that maintains those records.

Read the agency's regulations following its systems of records to determine the procedures you must follow to obtain information from that agency.

INFORMATION YOU CANNOT GET

There are limitations to the kind of information you can get. The agency may refuse to let you see information that—

- Relates to national security;
- Could reveal a confidential source; or
- Could be used to give people an unfair advantage on a government examination.

Generally, an agency's system notices (description of its systems of records) and its regulations will describe that agency's limitations on release of information.

SOME GENERAL REQUIREMENTS How To Make a Request

In most cases you can inquire in person or by mail. It will be easier for the agency to help you, and your request will be handled more quickly, if you follow these procedures:

1. Give your full name and address, and sign your request.
2. Specify the system(s) of records you believe contain information about you.
3. Provide the relevant information required by the system you are interested in. For example, if you are inquiring about any contract you have had with the Government (loan application, contract, grant application, etc.), give the date and subject matter, and any identifying numbers that appear on documents you received.
4. Address your request to the official or person and address given in the system entry.
5. Print the words "PRIVACY ACT REQUEST" on the front of the envelope.

Proof of Identity

The agency will need some proof of your identity such as—

1. A document with your full name and address;
2. A document that has your signature and/or your photograph such as a passport, medicare card, or unemployment insurance book.
3. Any other identification specified in the system entry or regulations. If your request is by mail, you should include copies of whatever documents the agency requires to prove your identity. There is a penalty for making false statements.

Fees

The agency may charge you a fee for a copy of your records, but they may not charge you for the time and expense of locating them. The agency's rules usually state how much the fee is.

GENERAL INQUIRIES

This volume was edited by Gladys Queen Ramey under the direction of Richard L. Claypoole.

For further information concerning the technical aspects of this volume, call 202-523-3187. Written comments or suggestions should be addressed to the Director, Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408.

Martha L. Girard,
Director, Office of the Federal Register.

PRIVACY ACT ISSUANCES—1989 COMPILATION

The Office of the Federal Register has issued its 1989 Compilation of Privacy Act Issuances as required by 5 U.S.C. 552a(f). Listed below are the agencies in this volume.

VOLUME IV

ACTION

Actuaries, Joint Board for the Enrollment
Administrative Conference of the U.S.
Advisory Commission on Intergovernmental Relations
Advisory Committee on Federal Pay
Advisory Council on Historic Preservation
African Development Foundation
Agency for International Development
American Battle Monuments Commission
Architectural and Transportation Barriers Compliance Board
Arms Control and Disarmament Agency
Arts and Humanities, National Foundation
Board for International Broadcasting

Central Intelligence Agency
Civil Rights Commission
Committee for the Purchase from Blind and Other Severely Handicapped
Commodity Futures Trading Commission
Consumer Products Safety Commission
Copyright Office, Library of Congress
Copyright Royalty Tribunal
Environmental Protection Agency
Equal Employment Opportunity Commission
Executive Office of the President, Administration Office
Export-Import Bank of the U.S.
Farm Credit Administration
Farm Credit System Assistance Board
Federal Communications Commission
Federal Deposit Insurance Corporation

Federal Election Commission
Federal Emergency Management Agency
Federal Home Loan Bank Board
Federal Home Loan Mortgage Corporation
Federal Labor Relations Authority and Federal Service Impasses Panel
Federal Maritime Commission
Federal Mediation and Conciliation Service
Federal Mine Safety and Health Review Commission
Federal Reserve System
Federal Retirement Thrift Investment Board
Federal Trade Commission
Fine Arts Commission
General Accounting Office

ACTION

Preliminary Statement

Operating Units: Identification of the operating units within the Agency to which a particular system of records pertains appears as "ACTION" followed by a designated abbreviation. The abbreviations and their meanings are:

OD-Office of the Director
DO-Office of Domestic and Anti-Poverty Operations
OPP-Office of Policy and Planning
LGA-Office of Legislative and Intergovernmental Affairs
GC-Office of General Counsel
C-Office of Compliance
AF-Office of Administration and Finance
ORC-Office of Recruitment and Communications
VCP-Office of Voluntary Citizen Participation

OFFICIAL PERSONNEL FILES: Official personnel files of Federal employees in the General Schedule in the custody of the agency are considered the property of the Office of Personnel Management (OPM). Access to such files shall be in accordance with such notices published by OPM. Access to such files in the custody of the Agency will be granted to individuals to whom such files pertain upon request to the Director, Personnel Management Division, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Files of staff employees appointed under the Peace Corps appointing authority which are not specifically covered by the OPM publication are inter-filed with all other personnel files and treated in the same manner. The OPM publication of notice for official personnel files is therefore adopted by reference for Peace Corps appointee personnel files in the custody of the Agency provided however that access, contests and appeals as to any record shall be heard as provided in accord with ACTION regulations under the Privacy Act.

Various offices in the Agency maintain files which contain miscellaneous copies of personnel material affecting ACTION employees, this would include copies of standard personnel forms, evaluation, etc. These files are kept only for immediate office reference use and are considered by the Agency to be part of the personnel file system. The Agency's internal regulations provide that such information is a part of the general personnel files and can only be disclosed through the Director of the Personnel Management Division in order that he/she may insure that any material to be disclosed is relevant, material, current, and fair to the individual employee. It is also the policy of the Agency to limit the use of such files and to encourage the destruction of as many as possible.

STATEMENT OF GENERAL ROUTINE USES

The following routine uses are incorporated by this reference into each system of records set forth herein, unless such incorporation is specifically limited in the system description.

1. In the event that a record in a system of records maintained by the Agency indicates any violation or potential violation of the law whether civil, criminal, or regulatory in nature, and whether arising by statute, or by regulation, rule or order issued pursuant thereto, the relevant record in this system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto; such referral shall also include and be deemed to authorize, (1) any and all appropriate and necessary uses of such records in a court of law or before an administrative board or hearing, and (2) such other inter-agency referrals as may be necessary to carry out the receiving agencies assigned law enforcement duties.

2. In the event the Agency receives a request from a Federal, state or local instrumentality under the jurisdiction of the United States for a record to be used for a civil or criminal law enforcement activity, authorized by law, such record shall be disclosed to such agency or instrumentality provided ACTION receives a written request from the head of such agency or instrumentality specifying the particular portion of the record desired and the law enforcement activity for which the record is sought.

3. A record may be disclosed as a routine use to designated officers and employees of other agencies and departments of the Federal government having an interest in the individual for employment purposes including the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract, or the issuance of license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter involved, provided however, that other than information furnished for the issuance of authorized security clearances, information divulged hereunder as to full-time volunteers under Title I of the Domestic Volunteer Service Act

of 1973 (42 U.S.C. 4951) or the Peace Corps Act (22 U.S.C. 2501) shall be limited to the provision of dates of service and a standard description of service as heretofore provided by the Agency.

4. A record may be disclosed as a routine use in the course of presenting evidence to a court, magistrate or administrative tribunal of appropriate jurisdiction and such disclosure shall include disclosures to opposing counsel in the course of settlement negotiation.

5. A record may be disclosed as a routine use to a member of Congress submitting a request involving an individual who is a constituent of such member who has requested assistance from the member with respect to the subject matter of the record.

6. Information from certain systems of records especially those relating to applicants for Federal employment or volunteer service may be disclosed as a routine use to designated officers and employees of other agencies of the Federal government for the purpose of obtaining information as to suitability, qualifications and loyalty to the United States government.

7. Information from records systems may be disclosed to any source from which information is requested in the course of an investigation to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.

8. Information in any system may be used as a data source, for management information, for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies. Information may also be disclosed to respond to general request for statistical information (without personal identification of individuals) under the Freedom of Information Act or the Privacy Act or to locate specific individuals for personnel research or other personnel management functions.

9. Information in any system of records may be disclosed to a Congressional office, in response to an inquiry from any such office, made at the request of the individual to whom the record pertains.

10. A record from any system of records may be disclosed as a routine use to the National Archives and Records Service, General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

Exemption of Disclosure—National Defense and Foreign Policy Matters—Certain systems of records covered by the Act and maintained by the Agency may from time to time contain materials subject to specific exemptions authorized by 5 U.S.C. 552a(k)(1) relating to national defense and foreign policy materials. Such materials, as an example, might consist of classified cables or other documents properly classified under Executive Order. The Agency maintains the right to exempt such materials from disclosure wherever they might appear in such systems of records, but only to the extent necessary to protect such material as required by Executive Order and various statutes in the interest of national defense and foreign policy.

Partial Exemption of Medical/Psychiatric Information—Certain systems of records maintained by the Agency contain medical/psychiatric information, the disclosure of which might harm an individual if disclosed directly to him or her. As to such records, if in the sole judgment of appropriate officials of the Agency such disclosure could have an adverse effect upon an individual under the provisions of 5 U.S.C. 552a(f)(3), disclosure may be limited to a physician chosen by the requesting individual or his or her authorized representative.

—Nondisclosure of information furnished to the agency with a promise or implied promise of confidentiality—Certain systems of records maintained by the Agency contain information furnished with a promise or implied promise of confidentiality as to the individual's identity. Such information is exempted as authorized by 5 U.S.C. 552a(k)(5). The information is investigatory material compiled solely for the purpose of determining suitability, eligibility or qualification for service as an employee or volunteer or for the obtaining of a Federal contract or for access to classified information. Such material shall be disclosed to the extent possible without revealing the identity of a source who furnished information to the government under an express promise of confidentiality of identity or, prior to the effective date of the Privacy Act of 1974, under an implied promise of such confidentiality of identity.

Location of Regional Offices

The Agency maintains ten Regional Offices and five Service Centers in which certain systems, or parts of systems are maintained. The Agency also maintains state offices under the jurisdiction of the Regional Offices and area and sub-area offices under the jurisdiction of the Service Centers. The Regional Offices and Service Centers, their addresses, and the States within their respective jurisdictions are listed below. In the event of any doubt as to whether a record is

maintained in a Regional Office, a query may be directed to the Director, Administrative Services Division, ACTION, Washington, D.C. 20525, who shall furnish all assistance necessary to locate a specific record.

ACTION Region I, John W. McCormack Federal Bldg., Room 1420, Boston, Massachusetts 02109 (Massachusetts, Maine, New Hampshire, Vermont, Rhode Island and Connecticut).

ACTION Region II, 26 Federal Plaza, 16th Floor, Suite 1611, New York, New York 10007 (New York, New Jersey, Puerto Rico and Virgin Islands).

ACTION Region III, U.S. Customs House, Room 112, 2nd and Chestnut Street, Philadelphia, Pennsylvania 19106 (Pennsylvania, Maryland, District of Columbia, Delaware, Virginia and West Virginia).

ACTION Region IV, 101 Marietta Street, NW, Room 2524, Atlanta, Georgia 30323 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee).

ACTION Region V, 1 North Wacker Drive, 3rd Floor, Room 322, Chicago, Illinois 60606 (Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin).

ACTION Region VI, Corrigan Tower Building, Suite 1600, 212 No. St. Paul Street, Dallas, Texas 75201 (Arkansas, Louisiana, New Mexico, Oklahoma and Texas).

ACTION Region VII, IT Gateway Center, Room 330, 4th and State, Kansas City, Kansas 66101 (Iowa, Kansas, Missouri and Nebraska).

ACTION Region VIII, 1845 Sherman Street, Columbine Bldg. Room 201, Denver, Colorado 80203 (Colorado, Wyoming, Montana, North Dakota, South Dakota and Utah).

ACTION Region IX, 211 Main Street, 5th Floor, Room 533, San Francisco, California 94105 (Arizona, California, Hawaii and Nevada).

ACTION Region X, 1601 Second Avenue, Seattle, Washington 98101 (Alaska, Idaho, Oregon and Washington).

ACTION Recruitment and Placement Service Centers:

New York Service Center, ACTION 26 Federal Plaza, Room 1605, New York, New York 10007 (Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, New York and Puerto Rico).

Atlanta Service Center, ACTION, 101 Marietta Street, NW, Room 2515, Atlanta, Georgia 30303 (Georgia, District of Columbia, Maryland, Virginia, West Virginia, Alabama, Florida, Mississippi, North Carolina, South Carolina, Kentucky, Tennessee, Pennsylvania and Delaware).

Chicago Service Center, ACTION, 1 North Wacker Drive, Room 322, Chicago, Illinois 60606 (Chicago, Michigan, Kansas, Missouri, Minnesota and Wisconsin).

Dallas Service Center, ACTION, 212 N. St. Paul Street, Suite 1620, Dallas, Texas 75201 (Texas, Louisiana, Arkansas, Oklahoma, New Mexico, Montana, North Dakota, South Dakota, Wyoming and Utah).

San Francisco Service Center, ACTION, 211 Main Street, 5th Floor, San Francisco, California 94105 (California, Arizona, Hawaii, Washington, Alaska, Idaho and Oregon).

NOTIFICATION

Individuals may inquire as to whether any system contains information pertaining to them by addressing the System Manager in writing. Such request should include the name and address of the individual, his or her social security number, and any relevant data concerning the information sought. Where possible, the place of assignment or employment, etc. In case of any doubt as to which system contains a record interested individuals may contact the Director, Administrative Services Division, ACTION, Washington, D.C. 20525, who has overall supervision of records systems and who will provide assistance in locating and/or identifying appropriate systems.

ACCESS AND CONTEST

In response to a written request by an individual the appropriate System Manager shall arrange for access to the requested record or advise the requester if no such record exists. If an individual wishes to contest the content of any record, he or she may do so by addressing a written request to the Director, Administrative Services Division, ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525. The Director shall provide all necessary information regarding such contest and appeal.

Alphabetical Listing of Systems of Records

Accounts Receivable (Collection of Debts Records and Claims Record)
ACTION Employees Occupation Injury and Illness Reports
ACTION Information Gathering System
ACTION Travel Files

ACTION Staff Applicant and Employee Records
ACTION Volunteer Applicant and Service Records System
Congressional Files System
Domestic and International Volunteer Security Files
Domestic Volunteer Appeal File
Employee Pay and Leave Records
Employee Travel File
Employee Unofficial Personnel Files
Former Volunteer/Staff Resource Record
Investigative file
Legal Files-Staff and Applicants
Outplacement Counseling Talent Bank
Overseas Staff Personnel Records
Personal Services Contracts Records
Regional Peace Corps Personnel Records
Staff and Volunteer Household Storage File
Talent Bank
Travel Authorization File
Voucher Payment Record and Schedules of Payments File

ACTION/1

System name: ACTION Staff Applicant and Employee Records, ACTION/1.

System location: ACTION, Personnel Management Division, 806 Connecticut Avenue, NW, Washington, DC 20525.

Categories of individuals covered by the system: Current and former employees, applicants; any individual involved in a grievance or grievance appeal or who has filed a complaint with the Department of Labor, Federal Labor Relations Council, Federal Mediation and Conciliation Service, or similar organization; and individuals considered for access to classified information or restricted areas and/or security determinations as contractors, employees of contractors, experts, instructors, and consultants to Federal programs.

Categories of records in the system: (1) The Staff Security Files contain investigative information regarding an individual's character, conduct, behavior in the community where he or she lives; loyalty to the U.S. Government; arrests and convictions for any violations against the law; reports or interviews with former supervisors; co-workers, associates, educators, etc.; reports about the qualifications of an individual for a specific position; reports of inquiries with law enforcement agencies; former employers, educational institutions attended; and other similar information developed from the above. (2) The Grievance, Appeal and Arbitration Files contain copies of petitions, complaints, charges, responses, rebuttals, evidentiary materials, briefs, affidavits, statements, records of hearings and decisions or findings of fact with respect thereto and incidental correspondence regarding complaints and appeals with respect to grievances and arbitration matters. (3) The Employees Indebtedness Files contain records which are primarily correspondence regarding alleged indebtedness of ACTION employees, including employees' responses, the agency's response to the employee and/or creditor and administrative correspondence and records relating to agency assistance to the employee in resolving the indebtedness, if appropriate. (4) The Employee Reemployment and Repromotion Priority Consideration Files contain a listing on a person's name and the positions he or she was considered for, dates of consideration and a copy of the individual's latest Standard Form 171 and performance evaluation. (5) The Performance Evaluation Files consist of the annual performance evaluations of employee performance prepared by supervisors and reviewed by supervisory reviewing officials, together with comments, if any, by the employees evaluated. (6) The Management-Union Records System consists of automated data printouts showing an employee's name, grade, series, title, organizational entity and other associated data which determines his or her inclusion or exclusion from the bargaining unit under the existing union contract. The record also contains a printout showing the amount of dues withheld from each employee who has authorized such withholding, and other related data. (7) The Personnel Management System is a computer-based record which includes data relating to tenure, benefits eligibility, whether former volunteer, end of tour dates, awards, etc., and other data needed by Personnel and agency managers which is used for management purposes. (8) The Inactive Service Record Card contains a record of personnel actions made during employment, forwarding address, reason for leaving, social security number, date of birth, tenure, information and disposition of the official personnel folder.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et seq., the Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq., provisions of the Federal Personnel Manual, the Foreign Affairs Manual, Executive Orders concerning management relations with employment organizations and Executive Order 10450

and various acts of Congress relating to personnel investigations authorizing the same by the Civil Service Commission which responsibility can, under Civil Service regulations and law, be delegated in whole or in part to agencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: As indicated below the subsystems incorporate all or some of our published routine uses. (1) Staff Security Files—in addition to our general routine uses may be disclosed to the OPM as part of the central personnel investigation records system. (2) Grievance, Appeal and Arbitration Records and Files—in addition to our general routine uses may be disclosed and used: (a) To the OPM; the Merit System Protection Board; and the Office of Special Counsel, MSPB, on request in conjunction with any appeal or in conjunction with its official duties with regard to personnel matters and investigation regarding complaints of Federal employees and applicants. (b) To designate hearing examiners, arbitrators and third-part appellate authorities involved in the hearing or appeal procedures. (3) Employees Indebtedness Records and Files—may be released under our routine uses numbers 1, 2 and 3 except that under routine use number 1 records may be released only to an appropriate Federal agency and the records may also be referred to a court of law and before an administrative board of hearing to matters related probation and parole. (4) Employee Reemployment and Repromotion Priority Consideration Records and Files—in addition to our general routine uses may be disclosed to (a) the OPM as part of the OPM personnel management evaluation system and (b) to the OPM for information concerning the reemployment and repromotion rights of individuals covered under the OPM system. (5) Performance Evaluation Files—in addition to our general routine uses may be disclosed to the OPM in connection with any request for information or inquiry as to Federal personnel regulations. (6) Management-Union Records—in addition to the general routine uses may be disclosed and used for the following (a) to the ACTION employees union for maintenance of its records with respect to dues and inclusion in the bargaining, (b) to the Treasury Department for preparation of payroll checks with appropriate withholding of dues, (c) to the OPM for union related reporting in the area of management/labor relations. (7) Personnel Management Information System—is used by agency officials for day to day work processing; statistical reports without personal identifiers and for in-house reports relating to management. Information contained in this record is reflected in the individual's official personnel folder. (8) Inactive Service Record Card File—is used by personnel staff to verify service and for day to day work information.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, lists or looseleaf binders and are stored in metal file cabinets with a three-way combination lock and/or secured rooms with access limited to those employees whose official duties require access.

Retrievability: Records are indexed by name, social security number or employee number.

Safeguards: Records are generally available to ACTION employees having a need for such records in the performance of their duties. Generally the Security Files are available only to personnel of the Security office or to agency office heads or other agency security personnel and such personnel must have an appropriate security clearance.

Retention and disposal: After termination, death or retirement or consideration of an applicant the Staff Security Files are kept in the security office three years and then retired to a Federal Records Center for 27 years and then destroyed. The Grievances, Appeals and Arbitration Files are retained indefinitely in the Personnel Management Division. The Employee Indebtedness Files are destroyed on a bi-annual basis or when the problem is resolved. The Employee Reemployment and Repromotion Priority Consideration Files are retained according to length of reemployment or repromotion eligibility. The Performance Evaluation Files are retained one year or until superseded. The Personnel Management Information system records and the Inactive Employee Service Record Cards are kept indefinitely in the Personnel Management Division. The Management-Union Lists are retained until superseded by a corrected or updated list.

System manager(s) and address: The Director of Personnel has overall responsibility for records covered by this system. Personnel branch chiefs are responsible for the subsystems as follows: (a) Staff Security Files—Chief, Employee Security Branch; (b) Grievance, Appeal and Arbitration; Employee Indebtedness Files; and Management-Union Records—Chief, Labor and Employee Relations Branch; (c) Performance Evaluation File; Employee Reemployment and Repromotion Priority Consideration File; Personnel Management Information

System and the Inactive Employee Record Service File—Chief, Personnel Staffing Branch.

The address for all systems is ACTION, Personnel Management Division, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: From the individual, the official personnel folder, statistical and other information developed by the Personnel Management Division staff, such as end of tour dates, arrival of post dates and within class increase due dates; agency supervisors and reviewing officials, individual employee fiscal and payroll records, alleged creditors of employees, witnesses to any occurrences giving rise to a grievance, appeal or other action, hearing records and affidavits and other documents used or usable in connection with grievance, appeal and arbitration hearings, and information contained in the Staff Security files was obtained from (a) applications and other personnel and security forms furnished by the individual, (b) investigative material furnished by other Federal agencies, (c) by personal investigation or written inquiry from such associates, police departments, courts, credit bureaus, medical records, probation officials, prison officials, and other such sources as may be developed from the above, and (d) from the individual.

ACTION/2

System name: ACTION Volunteer Applicant and Service Records System, ACTION/2.

System location: This system is made up of subsystems which are located agencywide at ACTION offices. These locations are (a) ACTION Headquarters, (b) all ten Domestic and Regional State Offices; (c) all five Service Center offices, area and sub-area Recruitment offices; and (d) each Peace Corps overseas program office. There is at present an excess of 60 such overseas offices and this number fluctuates as programs are added or withdrawn. Specific addresses will be provided upon request to the Director of the Administrative Services Division. Any particular country in which Peace Corps maintains a program may be addressed by writing to the Country Director, Peace Corps, c/o The American Embassy in the country.

Categories of individuals covered by the system: Current and former ACTION full-time volunteers, trainees, applicants, and individuals who request information regarding volunteer service in the Peace Corps, including Peace Corps United Nations Volunteers, or in one of ACTION's full-time Domestic Operations programs. A record may exist in a subsystem depending on whether a record was established as part of the application, placement, selection and services process. Normally, an applicant record will exist for all applicants and a service record will exist for all trainees and volunteers.

Categories of records in the system: This major system covers a number of temporary and permanent records established during the interest inquiry, applicant, placement, selection and service stages. Most information maintained in this system is furnished by the individual. Generally, the individual is also aware of any necessary investigations being conducted and is either counselled or authorizes such investigations. As the record progresses through the subsystems, an applicant, medical, volunteer service, legal or special services file may be established. These records are explained in detail in the following paragraphs. At the processing and program support desk levels temporary day to day sets of records may be used or set up to speed up work process. This information used at the desk level is usually information extracted from the main file or is a duplicate of information contained in the main file and is utilized only as long as needed for a particular decision, project or period of services. Upon completion of the use of such records they are destroyed or, if a permanent document or record, are forwarded to the ACTION Records Center for consolidation, retirement or ultimate destruction.

(1) Interest Inquiry Record, Volunteer Application Folder and Computer Based Record: The interest inquiry record is used to create a computer based record for issuing mailing labels, letters, follow-up letters and statistical data. This record contains forms related to the application process such as the application, references, invitation to training and other trainee enrollment forms, correspondence relating to the application, copies of other application documents, such as Peace Corps background investigation form, evaluator-recruiter interview forms. Information is extracted from the hard copy to create a computer record which is used to track progress, issue labels for correspondence to the applicant and account for the establish-

ment, retirement and ultimate destruction of the individual record. Statistical information, without personal identifiers, is used from the computer record.

(2) **Trainee and Volunteer Service and Pay Folder and Computer Based Record:** This record contains correspondence, forms related to pay allowances, travel and service such as, the Oath, designation of beneficiary, address, social security number, duty station, next of kin, trainee registration form, service and termination documents. Information is coded from hard copy documents to create a record for pay and verification of service purposes.

(3) **Medical Folder:** The medical record contains medical examination forms and fitness for duty reports, medical claims, correspondence and cables, medical histories, payment records, record of the consulting physician, treatment, hospitalization and disposition of the case. History of psychiatric or psychological treatment.

(4) **Legal Folder:** These records contain a record of any legal matter affecting volunteers or applicants. Includes grievances, appeals, claims litigation, legal queries from volunteers/applicants and answers, and any other matter involving contact between a volunteer/applicant and the Office of the General Counsel.

(5) **Special Services Folder:** This record is set up to cover any unusual or extraordinary action or circumstance happening during service or causing the termination of the volunteer or trainee. These records contain details of extensions, transfers, reenrollments, reinstatements, death or termination. Details include name, country of assignment, program number, dates of the action, supportive documentation. Supportive documentation would include termination reports, staff recommendations, cables, financial information, travel arrangements and medical clearance. Death cases may also include autopsy report, documentation of account of the death, designation of beneficiary, police report, death certificate, correspondence related to final arrangements, money payments and other financial matters.

(6) **Overseas Post Service and Medical Records:** Contain correspondence and forms relating to in country service such as, records of all payments or accrued credit to volunteers and trainees, advances or other items due to the government from volunteers or trainees, monthly living allowances, leave allowances, settling in allowances, property assignments. The medical record is maintained at post by the Peace Corps Health official. It contains the entrance physical and dental examination records and record of treatment received while in Peace Corps.

(7) **Headquarters International Operations Region Correspondence Files:** These files contain copies and originals of correspondence to and from the volunteers or trainees regarding project activities.

(8) **United Nations Volunteers Records:** These records contain applications, correspondence related to the applicant/placement process, other records connected with the application, training and placement of persons wishing to serve or serving as United Nations Volunteers. For short periods of time references furnished by the applicant may be kept in the file but they are transferred to the ACTION Office of Recruitment which has the responsibility for the selection process. Similarly, medical history forms are collected but are immediately forwarded to the United Nations or Health Services Division of ACTION. Upon the end of service or inactivation of the record they are forwarded to the ACTION Records Center for combining and retirement as regular Peace Corps records.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq., The Peace Corps Act, 22 U.S.C. 2501 et seq., and The Budget and Accounting Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these files and records may be disclosed and used as follows:

(a) As stated in our general routine uses unless specifically stated otherwise under this heading.

(b) To the Domestic Volunteer's sponsor concerning placement, performance, support and related matters.

(c) To Peace Corps Volunteer host country officials to obtain visas, inform of pending arrival of the trainee/volunteer and for review of their qualifications for the program.

(d) To the trainee/volunteer's family or next of kin so that he or she may be located in case of emergency.

(e) To the Social Security Administration for crediting of social security accounts and reporting withholdings.

(f) To the Internal Revenue Service to report on taxes paid and for income tax purposes.

(g) To Federal agencies having a need to verify volunteer eligibility for Federal employment under provisions of Executive Order 11103.

(h) To the Treasury Department for purposes of issuing payroll checks, readjustment allowance checks or to report overpayments.

(i) For Peace Corps volunteers, appropriate overseas U.S. Government agencies for monthly payroll preparation.

(j) To verify active or former volunteer service.

(k) **Regarding the legal record:** Information contained in the legal file is not routinely disclosed outside the agency except in the following circumstances: 1. To the Department of Justice in conjunction with litigation or potential litigation in situations in which the Department may be called upon to provide representation to the Agency. 2. In circumstances set forth in paragraphs 1, 2, 7 and 10 of our general routine uses.

(l) **Regarding the United Nations volunteer records:** In addition to our general routine uses the contents of these records and files may be disclosed and used as follows: 1. To designated officers and employees of the United Nations having a responsibility for the selection and placement of U.N. volunteers. 2. To officials of a proposed host country desiring the assignment or placement of U.N. volunteers.

(m) **Regarding Medical records:** In addition to our general routine uses the medical records and files may be disclosed or used as follows: 1. To the contractor under the ACTION Health Policy, for purposes of adjudication of volunteer claims. 2. To the Office of Workers Compensation, U.S. Department of Labor in connection with claims under the Federal Employee's Compensation Act. 3. To a physician or other medical personnel treating or involved in the medical treatment and/or care of an applicant, trainee or volunteer and having a need for such records for the provision of the medical treatment or care. In situations where it is practicable the individual's consent will be obtained before releasing such information. 4. To psychiatrists or clinical psychologists when necessary for treatment. To the extent practicable disclosure will not be made without approval of the individual. The existence of psychiatric or psychological records but not their contents may be disclosed to designated officers and employees of other agencies and departments of the Federal government and the District of Columbia government having an interest in an individual for employment purposes including a security clearance or access determination. 5. In death cases to notify designated life and/or personal property insurance companies to obtain payment of insurance benefits; to notify the Office of the Vice-President for the preparation of condolence letters; to the Department of Labor, Office of Federal Employee's Compensation; to the family and next of kin; and for Peace Corps Volunteers, the Department of State.

(n) In addition to the agency general routine uses the information furnished by mail or by personal contact is used only by the agency recruiting staff to furnish information to the individual concerning ACTION/Peace Corps volunteer programs and for the production of summary descriptive statistics and analytical studies in support of recruitment activities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files or records are maintained in folders, log books, cards, magnetic tape or disc packs with tape backup and are filed in metal filing cabinets with an manipulation proof combination lock or in a room with a combination lock in the door, or in a locked room when not in use.

Retrievability: The majority of the subsystem records are retrievable alphabetically by the last name. A few are retrievable by the social security number; by subject headings but access may be gained by reference to an alphabetical name index; or by alphabetical order by country of assignment.

Safeguards: Records are generally available only to ACTION employees with specifically assigned duties which requires working with the records on a day to day basis. They are available to other ACTION employees having the need for such records in the performance of their official duties. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Most volunteer records are kept no longer than seven years. The Domestic Operations Full-Time Volunteer Census Master File, the Domestic Operations Volunteer Status Change Card and Peace Corps Personnel and Payroll Computer Record and the Peace Corps Description of Service records are kept permanently. The legal files are kept 27 years. The medical records are kept for 25 years. Applications rejected immediately are destroyed in six months. Applications, including any medical records, rejected before enrollment as a volunteer are destroyed in one year.

System manager(s) and address: As the record flows from one state to another, or if a record is established for a specific purpose, the system manager is the agency official responsible for the particular function. If an individual is in doubt as to whom to contact, he or she should contact the Director, Administrative Services Division.

The subsystem managers are:

a. The ACTION Service Center Managers located in the field and the Chief, Communications Operations Branch, Office of Recruitment and Communications, located at 806 Connecticut Avenue, NW, Washington, D.C. 20525.

b. The Administrative Officers for the ten Domestic Operations Regional offices.

The following officers are located at ACTION, 806 Connecticut Avenue, NW, Washington, D.C., 20525.

c. The Chief, Peace Corps Placement Branch.

d. The Chief, Health Benefits and Analysis Branch.

e. The Chief, Medical Screening and Services Branch.

f. The Chief, Medical Operations Branch.

g. The Chief, Domestic Volunteer Payroll Section.

h. The Director, Planning and Evaluation Division.

i. The General Counsel.

j. The Chief, Peace Corps Support Services Branch.

k. The Chief, ACTION Records Center.

l. The Chief, Special Services Branch.

m. The Director, Office of Multilateral and Special Programs.

n. Peace Corps Country Desk Officers.

The following officers can be contacted at the post of assignment:

o. Peace Corps Country Directors Overseas.

p. Peace Corps Medical Officers Overseas.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information is obtained from the individual; sources whom the individual has named; ACTION employees or other volunteer/trainees; medical personnel who have examined or treated a volunteer or applicant or his or her records; medical contractors; U.S. Government investigative agencies, including the Office of Personnel Management; The Merit Systems Protection Board and its Special Counsel; The Federal Labor Relations Authority; and local law enforcement officials; Peace Corps Host Country Nationals; Peace Corps Country American Embassy and Consulates, United Nations Staff; and job supervisors.

ACTION/LGA-1

System name: Congressional Files System—ACTION/LGA.

System location: Office of Legislative and Intergovernmental Affairs/ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Categories of individuals covered by the system: Members of Congress.

Categories of records in the system: The records in this system consist of bio-data, voting records, ACTION programs in members districts or states, indications of program concerns of members of Congress affecting ACTION, and copies of incoming and outgoing correspondence between personnel of ACTION and members of Congress.

Authority for maintenance of the system: Peace Corps Act, 22 U.S.C. 2501 et seq. and Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records in this system are not subject to routine use outside the Agency except for routine use number 10 in the preceding preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records in this system are maintained in file folders in metal filing cabinets locked at the close of the business day in a building having a 24-hour security guard.

Retrievability: Records in this system concerning members of committees concerned with ACTION legislation are filed by Congressional committee and within each committee alphabetically; Congressional correspondence is filed alphabetically by last name of the member.

Safeguards: Records in this system are generally available only to personnel of ACTION having a need for such information in the performance of their official duties as such.

Retention and disposal: Records in this system are maintained permanently.

System manager(s) and address: Assistant Director for Legislative and Intergovernmental Affairs/ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information in system of record is obtained from the following category of sources: 1. The Congressional Directory, Congressional Records, Congressional Quarterly, Periodicals and standard reference materials. 2. Members of Congress and their staffs. 3. ACTION employees. 4. Newspaper and magazine publications.

ACTION/AF-32

System name: ACTION Information Gathering System—ACTION/AF-32.

System location: Office of Administrative Service/ACTION, 806 Connecticut Avenue NW, Washington, D.C. 20525.

Categories of individuals covered by the system: (1) Persons serving in, having served in, or who are served by programs initiated by ACTION; (2) persons working with ACTION programs on a volunteer basis, and (3) the general public, i.e., in communities and areas (i) where ACTION programs are; (ii) where ACTION programs are proposed; and (iii) nationwide for media impact studies, post-service studies, etc.

Categories of records in the system: The system will contain information necessary to provide statistical and analysis data in connection with agency activities including volunteer projects. The agency anticipates during the next year studies in such areas as: Recruitment, impact of advertising campaigns or media on a given area; public awareness of proposed or existing programs; program effect in particular demographic areas; impact of volunteer service on individuals after service; community awareness of program impact and volunteer programs on private sector volunteerism, etc. Individuals will be asked to complete a form and will be informed of the particulars of the study, i.e., the specific purpose of the study, who is conducting the study, the use of the information they submit; who has access to the records; provisions of the Privacy Act; the authority for collecting the data; the effect of nondisclosure; the particular study title and the Privacy Act system of records identification number.

This information may include names and addresses, relationships to a particular agency activity, age, race, education, ethnic background, employment history, family size and age groups, marital status, impact of an ACTION program on the individual or community, type of service received, volunteer program interest area, effect of advertising on the individual. Although it is impossible to foresee all information which will be gathered for study the agency anticipates that such data may be collected. Subsystems of records may be set up for relatively short periods of time during the information gathering stage. However, the overall responsibility for these subsystems comes under the Administrative Services Division. Records will be retained only as long as needed for the study but statistical data may be retained after personal identifiers have been removed.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951, 5042 (13) and the Peace Corps Act, as amended (22 U.S.C. 2501, et seq.)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Data maintained in this system shall be used to enable the agency to carry out its authorized functions in connection with program and project evaluation as stated in the statement of general routine uses published in the preliminary statement set forth in 42 FR Vol. No. 182 at page 47439 paragraph 8 * * * "Information in any system may be used as a data source, for management information, for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies. Information may also be disclosed to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or the Privacy Act or to locate specific individuals for personnel research or other personnel management functions." Initially, the information will be furnished by the individual to the ACTION staff personnel or personnel performing the study on behalf of ACTION. Such records will be retained only as long as required to complete the work.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These files may be maintained in various fashions. Material placed on computers shall be stored in disc packs with tape backup. All files shall in any event be maintained and filed in rooms or cabinets with manipulation proof combination locks which are not in immediate use.

Retrievability: Files are retrievable through name or identifying number.

Safeguards: Records in this system will be available only to appropriate personnel, including staff or other individuals working on ACTION's behalf, having a need for such records in the performance of their duties.

Retention and disposal: Records in this system shall be maintained only so long as necessary to carry out the management survey or other function for which they were collected and then shall either be destroyed or the information may be stored after removal of all personal identification.

System manager(s) and address: Director, Administrative Services Division, ACTION, 806 Connecticut Avenue NW, Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information will be obtained from the individual or persons dealing with ACTION programs.

ACTION/AF/FVL-1

System name: Former Volunteer/Staff Resource Record (AF/FVL-1).

System location: ACTION, Office of Former Volunteer Liaison, 806 Connecticut Avenue NW, Washington, D.C. 20525.

Categories of individuals covered by the system: All former staff and volunteers.

Categories of records in the system: Individual former staff and former volunteer files containing the following information about the particular individual; name, current address; current home and business phone number, social security number; date of birth; next of kin name and address; preservice, service, and post-service education, employment and training experience; trade skills; language skills; educational level; teaching experience; current interest in voluntary service; type of volunteer/staff duty assignments and location of assignments.

Authority for maintenance of the system: The Peace Corps Act, as amended (22 U.S.C. 2501, et seq.); and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this file will be used by the ACTION agency to involve former staff and volunteers with policy formation, program evaluation, recruitment, foreign and domestic disaster relief, and to keep up-to-date addresses for mailing publications and public affairs releases.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained on magnetic discs and tapes which are stored in a locked room when not in immediate use in a building with a 24-hour guard.

Retrievability: Records are indexed by categories such as skills, social security number, and alphabetical order.

Safeguards: Records in the system are available only to appropriate officials of ACTION with the need for access to such records for the performance of their duties.

Retention and disposal: Records are begun following end of staff and/or volunteer service and retained for the "life" of the volunteer/staffer. These records have no present destruction data and are now expected to be destroyed 50 years after establishment.

System manager(s) and address: Coordinator, Office of Former Volunteer Liaison, ACTION, 806 Connecticut Avenue NW, Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information supplied by former staff and former volunteers.

Notification procedure: Individuals wishing to see information in their records, inquire if this system of records contains information about them, or contest/correct information should provide their name, any former name, date of birth, social security number, dates of service if known, location of service and type of volunteer (Peace Corps or VISTA) or staff. Individuals should address their inquiries to: Director, Administrative Services Division, Office of Administration and Finance, ACTION, 806 Connecticut Avenue NW, Washington, D.C. All inquiries should have "Privacy Act Request" noted on the envelope.

ACTION/VCP/PMD-31

System name: Outplacement Counseling Talent Bank—ACTION AF/PMD-31.

System location: Outplacement Counseling Unit, Office of Voluntary Citizen Participation, 806 Connecticut Avenue NW, Washington, D.C. 20525.

Categories of individuals covered by the system: Applicants for employment with Federal, State and local government agencies and for private-sector employment, all of whom have been ACTION (Peace Corps or VISTA) Volunteers.

Categories of records in the system: These files contain copies of resumes and applications for employment (SF-171) with Federal, State and local government agencies and with private-sector employers, and copies of correspondence to and from individuals in the system and copies of correspondence relative to employment of those individuals, and similar documents.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq., and the Peace Corps Act, Amended, 22 U.S.C. 2501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: To Federal, State and local government agencies and to private-sector employers with regard to any applicant's eligibility and suitability for employment. Other routine uses as stated in ACTION's Preliminary statement published in FR Vol. No. 41, No. 238, Thursday, Dec. 9, 1976, pages 53940 and 53941, and FR Vol. No. 42, No. 114, Tuesday, June 14, 1977, page 30412.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets secured with three-way combination locks.

Retrievability: Records are indexed in alphabetical order and by skill code category.

Safeguards: All records are placed in combination-lock files when not in use and are locked during non-business hours.

Retention and disposal: Records in files are updated annually. If the subject of the file indicates a desire to remain in the system, the file is maintained for another year. Otherwise, the file is destroyed by burning or shredding.

System manager(s) and address: Chief, Outplacement Counseling Unit, OUCP, ACTION, 806 Connecticut Avenue NW, Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information contained in the system is obtained from the following sources: applications, resumes and related personnel forms furnished by the individual.

ACTION/C-1

System name: Discrimination Complaint File.

System location: Office of Compliance, ACTION, 806 Connecticut Avenue NW, Washington, D.C. 20525.

Categories of individuals covered by the system: Any employee or applicant for employment who has filed a complaint of discrimination against ACTION.

Categories of records in the system: Affidavits maintained concerning the following information: The complaint, correspondence related to the complaint and copies of personnel records and information how the complaint was resolved.

Authority for maintenance of the system: Executive Order 11478 and 5 CFR Parts 713, 222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Contents of these records and files may be disclosed and used as follows: a. To the Merit Systems Protection Board and its Special Counsel for hearings and/or administrative appeals on the complaint of discrimination; b. To the Department of Justice in connection with any suits brought against the agency for alleged discrimination. c. To the Equal Employment Opportunity Commission for advice and counsel within its jurisdiction. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination locks when not in immediate use.

Retrievability: Files are indexed alphabetically.

Safeguards: Records in the system are available only to appropriate personnel in the Office of Equal Opportunity and other designated officials of ACTION with a need of such records in the performance of their duties.

Retention and disposal: Records are destroyed five years after the close of the case.

System manager(s) and address: Director, Office of Compliance, ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Data in this system is obtained from the following categories of sources: 1. Employees or applicants of ACTION involved as complainants, witnesses, etc. in discrimination complaints. 2. Reports of investigations and other materials prepared by Equal Employment Opportunity Officers, counsellors and investigators. 3. Copies of Agency documents relevant to any EO investigation. 4. Records of hearings on complaints.

ACTION/AF-2

System name: Travel Authorization File—ACTION/AF.

System location: Fiscal Services Branch Administration and Finance/ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Categories of individuals covered by the system: Any ACTION employee, volunteer or person invited to travel for ACTION.

Categories of records in the system: Files consist of copies of obligated travel authorizations, travel vouchers, receipts, records of payments, and other materials related to official travel.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq. and the Peace Corps Act, 22 U.S.C. 2051 et seq.; The Budget and Accounting Act of 1921; Accounting and Auditing Act of 1950; and the Federal Claim Collection Act of 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Contents of these records and files may be disclosed and used as follows: a. To the Department of Treasury which receives a copy of the travel voucher forwarded with the Voucher and Schedule of Payment (SF-116) for forwarding to the payee. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in file folders in filing cabinets with bar locks, key locks or manipulation proof combination locks when not in immediate use.

Retrievability: Files are indexed alphabetically by last name.

Safeguards: Records in the system are available only to appropriate personnel, Fiscal Services Branch, and other appropriate officials of ACTION with the need for such records in the performance of their duties.

Retention and disposal: Records are held for three years and retired to the Federal Records Center in accordance with General Accounting Office instructions.

System manager(s) and address: Chief, Fiscal Services Branch, Accounting Division, Administration and Finance/ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Data in this system is obtained from forms submitted by individuals engaging in official travel, and other ACTION employees.

ACTION/AF-3

System name: ACTION Employees Occupational Injury and Illness Reports—ACTION/AF.

System location: Maintained at Headquarters, ACTION and all ACTION Domestic Regional Offices and Peace Corps countries.

Categories of individuals covered by the system: ACTION employees who have had job-related injuries or illnesses.

Categories of records in the system: Reports of occupational injuries and illnesses and medical reports with respect thereto.

Authority for maintenance of the system: The Occupational Safety and Health Act of 1970, Executive Order 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Occupational injury and illness reports are maintained in order to provide data, including statistical data required by the Occupational Safety and Health Administration, Department of Labor.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination lock.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are available only to ACTION employees having a need for such records in the performance of their official duties.

Retention and disposal: Files in this system are retained for a period of five years following the calendar year to which they are related and then destroyed by burning or shredding in accordance with standard procedures.

System manager(s) and address: Chief, Health Benefits and Analysis Branch, Health Services Division, ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information contained in the system is obtained from the following categories of sources: Employees who have suffered a work-related illness or injury ACTION Supervisory personnel.

ACTION/AF-9

System name: Domestic Volunteer Appeal File—ACTION/AF.

System location: Labor and Employee Relations Branch Personnel Management Division/ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Categories of individuals covered by the system: Persons serving as volunteers in ACTION domestic full-time programs appealing any action terminating such volunteer, or any action of the Agency affecting such individual selected for volunteer service and any other appealable matters affecting domestic volunteers and applicants.

Categories of records in the system: The records contain applications or petitions relating to volunteers' appeals, including replies, rebuttals, hearing records, documentary evidence, determinations and records of resulting actions.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records may be used and disclosed as follows: 1. In the event of any indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute or regulation, rule or order issued pursuant thereto, the relevant records in the system may be referred, as a routine use, to the appropriate Federal agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. Such referral shall also include and be deemed to authorize,

(1) any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing, including referrals related to probation and parole matters, and (2) such other inter-agency referrals as may be necessary to carry out the receiving agency's assigned law enforcement duties, provided however, that in the event of a request for records in this system from a Federal agency for a civil or criminal law enforcement activity, authorized by law, the record shall be disclosed only upon written request signed by the head of such agency or instrumentality specifying the particular portion desired in the law enforcement activity for which the record is sought. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records in the system are generally available only to employees of the Agency having the need for such records in the performance of their duties.

Retention and disposal: Records in this system are maintained for 3 years and then retired to the Federal Records Center for disposition in accordance with regulations.

System manager(s) and address: Chief, Labor and Employee Relations Branch Personnel Management Division/ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information in this system is obtained from the following sources: 1. ACTION employees. 2. Witnesses to any occurrence giving rise to a grievance, appeal or other action. 3. Hearing records and affidavits and other documents used or usable in connection with such hearings.

ACTION/AF-11

System name: ACTION Travel Files—ACTION/AF.

System location: Chief, Travel and Transportation Division Office of Administrative Services/ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Categories of individuals covered by the system: Any ACTION employees, volunteer, consultant, contractor or other individual who travels on agency business.

Categories of records in the system: Records maintained contains travel authorization itinerary Government Bills of lading, packing letter and passport numbers which are included for overseas travel, diplomatic, official and no-fee passports for staff, trainees and volunteers; completed visa applications are temporarily held in files for Peace Corps Trainees; and other travel related material.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. Section 4951 et seq.; the Peace Corps Act, 22 U.S.C. Section 2501 et seq.; The Budget and Accounting Act of 1921; the Accounting and Auditing Act of 1950; the Federal Claim Collection Act of 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in key locked cabinets.

Retrievability: Records are arranged alphabetically by name in accord with categories, i.e., staff travel file, Peace Corps volunteer travel file, Domestic Volunteer travel file, and consultants, experts and invitational travel files, some records are maintained by country.

Safeguards: Records are available only to appropriate personnel, Office of Travel and Transportation Division and other appropriate officials of ACTION with need for such records for the performance of their duties.

Retention and disposal: Records in the system are maintained in the Travel and Transportation Division of one year after the employee leaves the agency and are then burned.

System manager(s) and address: Chief, Travel and Transportation Division, Office of Administrative Services, ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information is obtained from the following categories of sources: Individual travellers ACTION employees.

ACTION/AF-12

System name: Accounts Receivable (Collection of Debts Records and Claims Record)—ACTION/AF.

System location: Fiscal Services Branch/ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Categories of individuals covered by the system: Any person whether vendor or volunteer, or employee of ACTION as well as former volunteers and former employees allegedly erroneously overpaid by ACTION.

Categories of records in the system: This system contains the following categories of records: 1. Register of debts claimed. This record consists of names and addresses of individuals who are indebted to ACTION including the date of the debt, a claim number, the amount of the debt, and the date the debt is paid if that has occurred. 2. Claim Record Card. This record consists of the same information in shorter form as that contained in the Register. 3. File Folders. This record consists of the initial billing, follow up letters for collection of debt and related correspondence together with a copy of the check or checks paying the debt if that has occurred.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 and the Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951; The Budget and Account Act of 1950. In addition to the above two Acts granting general powers of management to the Director of ACTION there are additional Federal statutes requiring and permitting the administrative settlement of claims by agencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records in this system may be disclosed in the following circumstances: To the General Accounting Office (GAO) for cases of administrative error amounting to over 500 dollars of overpayment and situations in which the agency has been unable to collect such debt. Disclosure will also occur in which the agency requests a waiver for error caused by overpayment of salary in excess to 500 dollars. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination lock.

Retrievability: Records are indexed in alphabetical order.

Safeguards: These records are available only to officials of ACTION having a need for such records in the performance of their official duties and for the routine uses listed above.

Retention and disposal: These records are maintained until the settlement of a claim and then retired to the Federal Record Center to be destroyed in accord with their schedule of destruction.

System manager(s) and address: Chief, Fiscal Services Branch, Accounting Division/ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information contained in the system was obtained from the following categories of sources: Domestic Retention Offices; Peace Corps Country Posts Headquarters; Payroll Office; Employees of ACTION having knowledge of the facts.

ACTION/AF-16

System name: Voucher Payment Record and Schedules of Payments File—ACTION/AF.

System location: Fiscal Services Branch, Administration and Finance, ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Categories of individuals covered by the system: Any current or former ACTION, employee, volunteer or vendor.

Categories of records in the system: The Voucher Payment Record is a single index card form containing the following data: Invoice number or date, amount paid, voucher and schedule number, grant,

contract or purchase order number and type of payment (advance, partial or final). The Schedule of Payments File consists of the invoice received, document authorizing the action to be taken such as travel authorization or purchase order and the voucher making the payment as well as the SF-1166 (Voucher and Schedule of Payments) and SF-1081 (Voucher and Schedule of Withdrawals and Credits—used in government only) and to which the other documents are attached.

Authority for maintenance of the system: Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.; Peace Corps Act, 22 U.S.C. 2501 et seq.; Budget and Accounting Act of 1921; Accounting and Auditing Act of 1950; and the Federal Claims Collection Act of 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The content of these records may be disclosed and used as follows: The Treasury Department receives the Schedule of Payment and a copy of voucher for payment. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Voucher Payment Records are stored in an index card box placed in a metal file cabinet with bar locks, key locks or manipulation proof combination locks when not in immediate use. Schedule of Payment is stored in the same way.

Retrievability: Voucher Payment Record is indexed by last name alphabetically. Schedule of Payments is filed numerically by schedule number.

Safeguards: Records in the system are available only to appropriate personnel, Fiscal Services Division, and other appropriate officials of ACTION with the need for such records in the performance of their duties.

Retention and disposal: Records are held for three years and retired to the Federal Records Center in accordance with General Accounting Office instructions.

System manager(s) and address: Chief, Fiscal Services Branch, Accounting Division, Administration and Finance, ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Data is obtained from documents provided by the individual or the vendor.

ACTION/AF—20

System name: Peace Corps Volunteer Authorized Storage File—ACTION/AF.

System location: Chief, Travel and Transportation Division, Office of Administrative Services, ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Categories of individuals covered by the system: Peace Corps volunteers authorized to store household effects and personal belongings.

Categories of records in the system: Records contain copy of the travel authorization for the volunteer and the household goods storage letter.

Authority for maintenance of the system: Section 5(n) of the Peace Corps Act, 22 U.S.C. Section 2504(n).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained on book shelves in loose leaf binders in a locked room.

Retrievability: Records are arranged alphabetically by name.

Safeguards: Records in this system are available only to appropriate personnel, Office of Travel and Transportation and other appropriate officials of ACTION with a need for such records for the performance of their duties.

Retention and disposal: Records in the system are maintained in the Office of Travel and Transportation for two years after the Peace Corps volunteers terminate and are then burned.

System manager(s) and address: Chief, Travel and Transportation Division Office of Administrative Services/ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Peace Corps Washington Staff ACTION Overseas Peace Corps Mission Requesting Volunteers.

ACTION/AF—21

System name: Personal Service Contracts Records—ACTION/AF.

System location: Chief, Procurement Branch, Contracts and Grants Management Division/ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Categories of individuals covered by the system: Only those persons contracted through the Headquarters Procurement Branch who have served or are serving as a personal services contractor for the Peace Corps abroad or in the United States are covered by this system.

Categories of records in the system: The records maintained contain the history of employment, including earning records, of individuals hired as personal services contractors.

Authority for maintenance of the system: Section 10(a)(4) of the Peace Corps Act, 22 U.S.C. 2509.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination locks when not in immediate use.

Retrievability: Records are arranged by contract number.

Safeguards: Records in the system are available only to appropriate personnel in the Contracts and Grants Management Division and other appropriate officials of ACTION with the need for such records for the performance of their duties.

Retention and disposal: Records in the system are maintained in the Contracts and Grants Management Division for one year after the closing date of the contract and then sent to the Federal Records Center where they are maintained for three years and then destroyed in accordance with regulations governing such destruction of Federal Record Center records.

System manager(s) and address: Chief, Procurement Branch, Contracts and Grants Management Division, ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information contained in the system is obtained from the following categories of sources: Individual contractors Peace Corps Overseas Staff, Peace Corps Washington Staff.

ACTION/AF—22

System name: Talent Bank—ACTION/AF.

System location: Personnel Management Division, Office of Administration and Finance; the Office of the Director and the Director, Peace Corps.

Categories of individuals covered by the system: Applicants for staff employment with ACTION.

Categories of records in the system: These files contain copies of applications for employment (SF-171), resumes submitted by applicants, and other background information regarding qualifications of the applicant for staff positions in ACTION.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq. and the Peace Corps Act, 22 U.S.C. 2501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: a. To the Office of Personnel Management with regard to any question of eligibility, suitability or qualifications of an applicant for employment.

b. To any source of which information is requested in the course of an inquiry as to the qualifications of an applicant, to the extent necessary to identify the individual, inform the source of the nature and purpose of the inquiry, and to identify the type of information requested. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are generally available only to employees with ACTION with the need for such records in the performance of their duties.

Retention and disposal: Records are destroyed when applications are two years old. Applications which result in appointment are filed in the Official Personnel Folder and are subsequently retired to the Federal Records Center, St. Louis.

System manager(s) and address: The Administrative Assistant to the Director and the Special Assistant for Country Director Recruitment in the Peace Corps are system managers for non-career applications until they are forwarded to the Personnel Management Division. The Chief, Personnel Operations Branch is the system manager for all other applications and for those non-career applications forwarded from the Office of the Director and the Peace Corps. All are located at 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information contained in the system was obtained from the following categories of sources: Applications and other personnel forms furnished by the individual. By oral or written inquiries from sources disclosed by the applicant such as: Employers Schools References, etc.

ACTION/AF-23

System name: Staff and Volunteer Household Storage File—ACTION/AF.

System location: Office of Administration and Finance/ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Categories of individuals covered by the system: Any employee or volunteer of ACTION whose furniture is authorized for storage.

Categories of records in the system: The records maintained contain the following information: Travel authorization. A xerox copy of the invoice for payment. Record of partial payment form.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.; the Peace Corps Act, 22 U.S.C. 2501 et seq.; and the Budget and Accounting Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: a. To the Department of Treasury in connection with payment of invoice received from vendor. b. To the vendor in the event there is a discrepancy between it and ACTION records. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in file folders in filing cabinets with bar locks, key locks, or manipulation proof combination locks when not in immediate use.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records in the system are available only to appropriate persons in Administration and Finance and other appropriate officials of ACTION with the need for such records for the performance of their duties.

Retention and disposal: Records are retained for two years after a volunteer's or employee's termination (including retirement) and retired to the Federal Records Center.

System manager(s) and address: Chief, Fiscal Services Branch, Accounting Division, Administration and Finance/ACTION 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Administration and Finance, Fiscal Services Branch, Travel Orders, Vendors Invoices.

ACTION/AF-26

System name: Domestic and International Volunteer Security Files—ACTION/AF.

System location: Employee Security Branch, Personnel Management Division/ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Categories of individuals covered by the system: Peace Corps volunteers and volunteer applicants. Volunteers serving in full-time domestic volunteer programs under Title I of the Domestic Volunteer Service Act of 1973 including service in such programs as VISTA, UYA, PLS, etc., and applicants for such service.

Categories of records in the system: These records contain investigative information regarding an individual's character, conduct, qualifications and integrity and reputation in the community where he or she lives, including records of arrest and convictions for any violations against the law, reports and recommendations from former supervisors, co-workers, friends, educators, etc.; reports of inquiries with law enforcement agencies, former employers, educational institutions attended, and other information developed from the above.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq. and the Peace Corps Act, 22 U.S.C. 2501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: a. To the Office of Personnel Management as a part of the central OPM personnel investigation records system. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks in a room which is locked when not in use.

Retrievability: Records are indexed in alphabetical order.

Safeguards: All officials of employees having access to such files are required to have an appropriate security clearance. Generally, these files are available only to personnel of the security office or to agency office heads or other agency personnel having a need for such files in the performance of their duties.

Retention and disposal: Peace Corps files are maintained in the personnel security office for three years after the termination or death of a volunteer, or for the same period of time after consideration of an applicant. Thereafter, said files are transferred to the Federal Records Center, where they are maintained for twenty-seven years and then destroyed in accordance with regulations of the General Services Administration. All domestic volunteer files are maintained in the personnel security office up to the time of the termination or death of a volunteer when they are destroyed by burning or shredding.

System manager(s) and address: Chief, Employee Security Branch, Personnel Management Division, ACTION, Room 400, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information contained in the system was obtained from the following categories of sources: a. Applications and other personnel and security forms furnished by the individual. b. Investigative material furnished by other Federal agencies, c. By personal investigation or written inquiry from such sources as employers, schools, references, etc. d. Neighbors, associates, police departments, courts, credit bureaus, medical records, probation officials, prison officials, and other such sources as may be developed from the above.

ACTION/AF-27

System name: Employee Pay and Leave Records—ACTION/AF.

System location: Office of Administration and Finance/ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Categories of individuals covered by the system: Persons employed by ACTION.

Categories of records in the system: Personnel actions employing, promoting and terminating employees, savings bond applications, advances of allotments, IRS tax levels, notice of deduction for health insurance, combined Federal campaign, union dues withholdings applications, and educational allowances for children of overseas employees and records regarding collections for overpayments and time and attendance records.

Authority for maintenance of the system: GAO Policy and Procedures Manual; 31 U.S.C. 66(a); and the Budget and Accounting Procedures Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information from these records are routinely provided as follows: 1. To the Treasury for payroll and savings bonds and other deduction purposes. 2. To Internal Revenue Service with regard to tax deductions. 3. To participating insurance companies holding policies with respect to Federal employees employed by ACTION. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders and looseleaf binders in metal file cabinets with manipulation proof combination locks. The individual Time and Attendance records maintained by designated timekeepers throughout the agency are stored in a metal file cabinet with a key lock or manipulation proof combination lock.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records in this system are available only to employees of ACTION with a need for such records in the performance of their official duties.

Retention and disposal: Records in this system are maintained for three years after the end of the fiscal year in which an employee terminates his employment with ACTION, and then retired to the Records Center in accordance with GAO instructions.

System manager(s) and address: Designated timekeepers throughout the agency and Chief, Domestic Volunteer and Staff Payroll Branch, Accounting Division, Office of Administration and Finance, ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: ACTION employees and the individual to whom the record pertains.

ACTION/DO-3

System name: Employee Travel File—ACTION/DO.

System location: All ACTION Domestic Regional Offices except for Region I.

Categories of individuals covered by the system: Any employee, expert, consultant or other person engaged in travel on USG Travel authorization for a Domestic Regional Office.

Categories of records in the system: Records maintained are travel authorizations and vouchers.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records may be disclosed and used for the purposes expressed in the Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal filing cabinets with manipulation proof combination locks or key locked filing cabinets when not in immediate use.

Retrievability: Records are indexed alphabetically by last name.

Safeguards: Records in the system are available only to appropriate persons in the regional offices and other appropriate officials of ACTION with a need for such records for the performance of their duties.

Retention and disposal: Records are retained until the employee has terminated and then are destroyed.

System manager(s) and address: Administrative Officer, ACTION Regional Office.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Itinerary provided by individual or supervisor and the voucher submitted by the individual traveller.

ACTION/DO-7

System name: Employee Unofficial Personnel Files.

System location: All ACTION Domestic Regional Offices. In some cases, these files may be located in ACTION State Offices. The supervising ACTION Regional Office shall be responsible for all relevant requests in such cases.

Categories of individuals covered by the system: Current ACTION Domestic Regional employees.

Categories of records in the system: The records maintained consist of copies of personnel documents sent to ACTION Headquarters in Washington including employment applications, appointment papers, job descriptions and personnel action change notices. The Official Personnel Folder is maintained in ACTION Headquarters in Washington.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: There are no routine uses other than those in the Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal filing cabinets with manipulation proof combination locks or locked in a room with a manipulation proof combination lock built into the door.

Retrievability: Records are indexed alphabetically by last name.

Safeguards: Records in the system are available only to appropriate persons in the regional offices and other appropriate officials of ACTION with the need for such records for the performance of their duties.

Retention and disposal: Files are retained until the employee terminates his service at the regional office and destroyed by burning or shredding one year after such termination.

System manager(s) and address: Administrative Officer, ACTION Regional Office.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: The data is obtained from the employee, his references and Agency personnel forms.

ACTION/GC-2

System name: Legal Files—Staff and Applicants (A-Z)—ACTION/GC.

System location: Office of the General Counsel/ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Categories of individuals covered by the system: 1. Applicants for employment with ACTION. 2. Staff employees of ACTION.

Categories of records in the system: Records of any legal matter affecting my present or former staff member of ACTION or any applicant for employment in ACTION whose employment has raised any legal question. Included among the kinds of records maintained are those involving employee grievances, appeals from adverse actions, claims by and against staff members, records concerning litigation in which ACTION staff members become involved as parties, legal queries from staff members regarding themselves or their employment and answers thereto and any other matter involving a contact between a staff member and an attorney of the Office of General Counsel.

Authority for maintenance of the system: These records are maintained under the general authority of the Office of General Counsel to represent the Agency in connection with its dealings with its employees and the general functions of the Office of General Counsel to provide advice and counsel to the Director of the Agency and his staff.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are not routinely disclosed outside the Agency except in the following circumstances: 1. To the Department of Justice in conjunction with litigation or potential litigation in situations in which the Department may be called upon to provide representation to the Agency. 2. In circumstances set forth in paragraphs 1, 2, 7, and 10 of the general routine uses set forth in the Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are kept in separate file folders in cabinets secured by changeable combination locks or bar locks secured by such combination locks and in room locked when not in use.

Retrievability: Files are maintained under subject headings but access to files concerning individuals may be gained by referring to an alphabetical index.

Safeguards: Files are available only to personnel of the Office of General Counsel which includes attorneys and confidential secretaries.

Retention and disposal: Files are maintained for the duration of the litigation or other matter to which they refer and retired on an annual review basis to the Federal Records Center for 27 years at which time they are destroyed.

System manager(s) and address: General Counsel, ACTION, 806 Connecticut Avenue, NW, Room M-607, Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Data is obtained from the following categories of sources: 1. ACTION employees, 2. Correspondence and reports from persons and agencies dealing with the agency and its employees. 3. Work product and research of lawyers of the office.

ACTION/IG

System name:

Investigative File.

System location:

Office of Compliance, Inspector General Division, 806 Connecticut Avenue, NW, Washington, DC 20525.

Categories of individuals covered by the system:

Any employee, applicant or volunteer whose complaint of discrimination has been referred for investigation. Any employee, volunteer, contractor or grantee who is the subject of an investigation.

Categories of records in the system:

1. Affidavits, correspondence, copies of personnel records and final report of investigation relative to complaints of discrimination.

2. Statement, correspondence, agency records pertinent to investigations, documentary evidence received and/or collected during the course of investigation and copies of final report and/or recommendations.

Authority for maintenance of the system:

ACTION Order 1101.7.

Routine use of records maintained in the system, including categories of users and the purposes of such uses:

Contents of the Discrimination Complaint Investigative Files are disclosed to the Equal Opportunity Division of the Office of Compliance. All other investigative files may be forwarded to ACTION General Counsel for legal opinions and recommendations, in conjunction with ACTION General Counsel to the Justice Department for possible prosecution and/or civil action, or to ACTION Office Heads or supervisors for possible disciplinary actions or corrective measures.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Files are maintained in folders in metal file cabinets with manipulation free combination locks.

Retrievability:

Files are numbered in a master log and identified by subject name.

Safeguards:

Records in the system are available only to appropriate personnel in the Office of Compliance and other designated officials of ACTION with a need of such records in the performance of their duties.

Retention and disposal:

Records will be held in the office until the completion of an investigation and final referral of the case to the appropriate division for final disposition. Records will be destroyed two years after the completion or final disposition of a case.

System manager(s) and address:

Inspector General and Deputy Inspector general, Office of Compliance, ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

Records source categories:

Data filed in the system is obtained from employees, former employees, applicants, volunteers, the general public, newspaper articles, copies of agency records pertinent to an investigation, and as a result of findings made during audits of agency programs and operations.

Title 45—Public Welfare

Chapter XII—ACTION

PART 1224—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

Sec.

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- 1224.1-9 Records systems—Management and control.
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- 1224.1-11 Accounting for disclosure of records.
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- 1224.1-16 Amendment of records and appeals with respect thereto.
- 1224.1-17 Denial of access and appeals with respect thereto.
- 1224.1-18 Fees.

Authority: Pub. L. 93-579, 5 U.S.C. 552a.

Source: 42 FR 54286, Oct. 5, 1977, unless otherwise noted.

§ 1224.1-1 Purpose.

The purpose of this part is to set forth the basic policies of ACTION governing the maintenance of systems of records containing personal information as defined in the Privacy Act (5 USC 552a). Records included in this part are those described in aforesaid Act and maintained by ACTION and/or any component thereof.

§ 1224.1-2 Policy.

It is the policy of ACTION to protect, preserve and defend the right of privacy of any individual as to whom the agency maintains personal information in any system records and to provide appropriate and complete access to such records including adequate opportunity to correct any errors in said records. It is further the policy of the agency to maintain its records in such a fashion that the information contained therein is and remains material and relevant to the purposes for which it is received in order to maintain its records with fairness to the individuals who are the subject of such records.

§ 1224.1-3 Definitions.

(a) "Record" means any document or other information about an individual maintained by the agency whether collected or grouped and including but

not limited to information regarding education, financial transactions, medical history, criminal or employment history, or any other personal information which contains the name or other personal identification number, symbol, etc. assigned to such individual.

(b) "System of Records" means a group of any records under the control of the agency from which information is retrieved by use of the name of an individual or by some identifying number, symbol, or other identifying particular of whatsoever kind or nature.

(c) "Routine Use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(d) The term "agency" means ACTION and/or any component thereof.

(e) The term "individual" means any citizen of the United States or an alien lawfully admitted to permanent residence.

(f) The term "maintain" includes the maintenance, collection, use or dissemination of any record.

§ 1224.1-4 Disclosure of records.

The agency will not disclose any personal information from systems of records it maintains to any individual other than the individual to whom the record pertains, or to another agency, without the express written consent of the individual to whom the record pertains, or his agent or attorney, except in the following instances:

(a) To officers or employees of ACTION having a need for such record in the official performance of their duties.

(b) With respect to records which should follow an employee in transfer situations, to the personnel office of a different agency as a result of a transfer or a potential transfer of the individual to whom the record pertains.

(c) When required under the provisions of the Freedom of Information Act (5 U.S.C. 552).

(d) For routine uses as appropriately published in the annual notice of the **Federal Register**.

(e) To the Bureau of the Census for uses pursuant to Title 13.

(f) To an individual or agency having a proper need for such record for statistical research provided that such record is transmitted in a form which is not individually identifiable and that an appropriate written statement is obtained from the person to whom the record is transmitted stating the purpose for the request and a certification under oath that the records will be used only for statistical purposes.

(g) To the National Archives of the United States as a record of historical value under rules and regulations of the Archives as may be established by the Administrator of General Services or his designee.

(h) To an agency or instrumentality of any governmental jurisdiction within the control of the United States for civil or criminal law enforcement purposes provided however that the head of any such agency instrumentality has made a written request for such records specifying the particular portion desired and the law enforcement activity for which the record is sought. Such a record may also be disclosed by the agency to the law enforcement agency on its own initiative in situations in which criminal conduct is suspected provided that such disclosure has been established as a routine use or in situations in which the misconduct is directly related to the purpose for which the record is maintained.

(i) In emergency situations upon a showing of compelling circumstances affecting the health or safety of any individual provided that after such disclosure notification of such disclosure must be promptly sent to the last known address of the individual to whom the record pertains.

(j) To either House of Congress or to a subcommittee or committee (joint or of either house) to the extent the subject matter falls within their jurisdiction.

(k) To the comptroller general or any of his authorized representatives in the course of the performance of his duties of that of the General Accounting Office.

(l) Pursuant to an order of a court of competent jurisdiction provided that if any such record is disclosed under such compulsory legal process and subsequently made public by the court which issued it, the agency must make a reasonable effort to notify the individual to whom the record pertains of such disclosure.

§ 1224.1-5 Annual notices.

The agency shall publish annually a notice of all systems of records maintained by it as defined herein in the format prescribed by the General Services Administration in the **Federal Register**, *Provided, however*: That such publication shall not be made for those systems of records maintained by other agencies though in the temporary custody of this agency.

§ 1224.1-5a New uses of information.

At least 30 days prior to publication of information under the preceding section, the agency shall publish in the **Federal Register** a notice of its intention to

establish any new routine use of any system of records maintained by it with an opportunity for public comments on such use. Such notice shall contain the following:

(a) The name of the system of records for which the routine use is to be established.

(b) The authority for the system.

(c) The purpose for which the record is to be maintained.

(d) The proposed routine use(s).

(e) The purpose of the routine use(s).

(f) The categories of recipients of such use. In the event of any request for an addition to the routine uses of the systems which the agency maintains, such request may be sent to the following officer: Director, A&F/AS, ACTION, 806 Connecticut Avenue NW, Washington, D.C. 20525.

§ 1224.1-6 Reports regarding changes in systems.

The agency shall provide to Congress, the Office of Management and Budget, and the Privacy Protection Commission advance notice of any proposal to establish or alter any system of records as defined herein. This report will be submitted in accord with guidelines to be provided by the Office of Management and Budget.

§ 1224.1-7 Use of social security account number in records systems. [Reserved]

§ 1224.1-8 Rules of conduct.

(a) The Head of the agency shall assure that all persons involved in the design, development operation or maintenance of any systems of records as defined herein are informed of all requirements necessary to protect the privacy of individuals who are the subject of such records. All employees shall be informed of all implications of the Act in this area including the criminal penalties provided under 5 U.S.C. 552a and the fact that agency may be subject to civil suit for failure to comply with the provisions of the Privacy Act and these regulations.

(b) The Head of the agency shall also ensure that all personnel having access to records receive adequate training in the protection of the security of personal records and that adequate and proper storage is provided for all such records with sufficient security to assure the privacy of such records.

§ 1224.1-9 Records systems—Management and control.

(a) The Director of Administrative Services (A&F) shall have overall control and supervision of the security of all records keeping systems and shall be responsible for monitoring the

security standards set forth in these regulations.

(b) A designated official (System Manager) shall be named who shall have management responsibility for each record system maintained by the agency and who shall be responsible for providing protection and accountability for such records at all times and for insuring that such records are secured in appropriate containers whenever not in use or in the direct control of authorized personnel.

§ 1224.1-10 Security of records systems—Manual and automated systems.

The Head of the agency has the responsibility of maintaining adequate technical, physical, and security safeguards to prevent unauthorized disclosure or destruction of manual and automatic record systems. These security safeguards shall apply to all systems in which identifiable personal data are processed or maintained including all reports and outputs from such systems which contain identifiable personal information. Such safeguards must be sufficient to prevent negligent, accidental, or unintentional disclosure, modification or destruction of any personal records or data and must furthermore minimize to the extent practicable the risk that skilled technicians or knowledgeable persons could improperly obtain access to modify or destroy such records or data and shall further insure against such casual entry by unskilled persons without official reasons for access to such records or data.

(a) *Manual systems.* (1) Records contained in records systems as defined herein may be used, held or stored only where facilities are adequate to prevent unauthorized access by persons within or without the agency.

(2) All records systems when not under the personal control of the employees authorized to use same must be stored in an appropriate metal filing cabinet. Where appropriate, such cabinet shall have three position dial-type combination lock, and/or be equipped with a steel lock bar secured by a GSA approved changeable combination padlock or in some such other securely locked cabinet as may be approved by GSA for the storage of such records. Certain systems are not of such confidential nature that their disclosure would harm an individual who is the subject of such record. Records in this category shall be maintained in steel cabinets without the necessity of combination locks.

(3) Access to and use of systems of records shall be permitted only to persons whose official duties require

such access within the agency, for routine uses as defined in Subpart B herein as to any given system, or for such other uses as may be provided herein.

(4) Other than for access within the agency to persons needing such records in the performance of their official duties or routine users as defined in subpart B herein or such other uses as provided herein, access to records within systems of records shall be permitted only to the individual to whom the record pertains or upon his or her written request to a designated personal representative.

(5) Access to areas where records systems are stored will be limited to those persons whose official duties require work in such areas and proper accountings of removal of any records in storage areas in the form directed by the Director, A&F/AS, shall be maintained at all times.

(6) The agency shall assure that all persons whose official duties who require access to and use of records contained in records systems are adequately trained to protect the security and privacy of such records.

(7) The disposal and destruction of records within records systems shall be in accord with rules promulgated by the General Services Administration.

(b) *Automated systems.* (1) Identifiable personal information may be processed, stored or maintained by automatic data systems only where facilities or conditions are adequate to prevent unauthorized access to such system in any form. Whenever such data whether contained in punch cards, magnetic tapes or discs are not under the personal control of an authorized person such information must be stored in a metal filing cabinet having a built-in three position combination lock, a metal filing cabinet equipped with a steel lock bar secured with a GSA approved combination padlock, or in adequate containers or in a secured room or in such other facility having greater safeguards than those provided for herein.

(2) Access to and use of identifiable personal data associated with automated data systems shall be limited to those persons whose official duties require such access. Proper control of personal data in any form associated with automated data systems shall be maintained at all times including maintenance of accountability records showing disposition of input and output documents.

(3) All persons whose official duties require access to processing and maintenance of identifiable personal

data and automated systems shall be adequately trained in the security and privacy of personal data.

(4) The disposal and disposition of identifiable personal data and automated systems shall be carried on by shredding, burning or in the case of tapes or discs, degaussing, in accord with any regulations now or hereafter proposed by the GSA or other appropriate authority.

§ 1224.1-11 Accounting for disclosure of records.

Each office maintaining a system of records shall account for all records within such system by keeping a written log in the form prescribed by the Director, A&F/AS, containing the following information:

(a) The date, nature, and purpose of each disclosure of a record to any person or to another agency. Disclosures made to employees of the agency in the normal course of their official duties, or pursuant to the provisions of the Freedom of Information Act need not be accounted for.

(b) Such accounting shall contain the name and address of the person or agency to whom the disclosure was made.

(c) The accounting shall be maintained in accord with a system approved by the Director, A&F/AS, as sufficient for the purpose but in any event sufficient to permit the construction of a listing for all disclosures at appropriate periodic intervals.

(d) The accounting shall reference any justification or basis upon which any release was made including any written documentation required when records are released for statistical or law enforcement purposes under the provisions of subsection (b) of the Privacy Act of 1974 (5 U.S.C. 552a).

(e) For the purpose of this part, the system of accounting for disclosures is not a system of records under the definitions hereof and no accounting need be maintained for the disclosure of accounting of disclosures.

§ 1224.1-12 Contents of records systems.

The agency shall maintain in any records contained in any records system hereunder only such information about an individual as is accurate, relevant, and necessary to accomplish the purpose for which the agency acquired the information as authorized by statute or Executive Order.

(a) In situations in which the information may result in adverse determinations about such individuals' rights, benefits and privileges under any Federal program, all information placed

in records systems shall, to the greatest extent practicable, be collected from the individual to whom the record pertains.

(b) Each form or other document which an individual is expected to complete in order to provide information for any records system shall have appended thereto, or in the body of the document:

(1) An indication of the authority authorizing the solicitation of the information and whether the provision of the information is mandatory or voluntary.

(2) The purpose or purposes for which the information is intended to be used.

(3) Routine uses which may be made of the information and published pursuant to § 1224.1-6 of this regulation.

(4) The effect on the individual if any of not providing all or part of the required or requested information.

(c) Records maintained in any system of record used by the agency to make any determination about any individual shall be maintained with such accuracy, relevancy, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the making of any determination about such individual, provided however, that the agency shall not be required to update or keep current retired records.

(d) Before disseminating any record about any individual to any person other than an agency, unless the dissemination is made pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552) the agency shall make reasonable efforts to assure that such records are, or were at the time they were collected, accurate, complete, timely and relevant for agency purposes.

(e) Under no circumstances shall the agency maintain any record about any individual with respect to or describing how such individual exercises rights guaranteed by the first amendment of the Constitution of the United States unless expressly authorized by statute or by the individual about whom the record is maintained, or unless pertinent to and within the scope of an authorized law enforcement activity.

(f) In the event any record is disclosed as a result of the order of a court of appropriate jurisdiction, the agency shall make reasonable efforts to notify the individual whose record was so disclosed after the process becomes a matter of public record.

§ 1224.1-13 Access to records.

(a) Upon request of any individual about whom a record is maintained addressed to the Director of Administrative Services, 806 Connecticut Avenue NW, Washington,

D.C. 20525, in person during regular business hours, or by mail, access to his record or to any information contained therein shall be provided.

(b) If the request is made in person, such individual may, upon his request, be accompanied by a person of his choosing to review the record and shall be provided an opportunity to have a copy made of all or any record about such individual.

(c) A record may be disclosed to a representative chosen by the individual as to whom a record is maintained upon proper written consent of such individual.

(d) Request made in person will be promptly complied with if the records sought are in the immediate custody of ACTION. Mailed requests or personal requests for documents in storage or otherwise not immediately available, will be acknowledged within ten working days, and the information requested will be promptly provided thereafter.

(e) With regard to any request for disclosure of record the following procedure shall apply:

(1) Medical or psychological records shall be disclosed to an individual unless in the judgment of the agency, access to such records might have an adverse effect upon such individual. When such determination has been made, the agency may require that the information be disclosed only to a physician chosen by the requesting individual. Such physician shall have full authority to disclose all or any portion of such record to the requesting individual in the exercise of his professional judgment.

(2) Test material and copies of certificates or other lists of eligibles or any other listing, the disclosure of which would violate the privacy of any other individual, or be otherwise proscribed by the provision of the Privacy Act of 1974, shall be removed from the record before disclosure to any individual to whom the record pertains.

§ 1224.1-14 Specific exemptions.

Records or portions of records specified below shall be exempt from disclosure provided however that no such exemption shall apply to the provisions of § 1224.1-16(d)(3) hereof (informing prior recipient of corrected or disputed records), § 1224.1-12(a) (collecting information directly from the individual to whom it pertains); § 1224.1-12(b) (informing individuals asked to supply information of the purposes for which it is collected and whether it is mandatory); § 1224.1-12(c) (maintaining records with accuracy,

completeness, etc. as reasonably necessary for agency purposes);

§ 1224.1-12(f) (notifying the subjects of records disclosed under compulsory court process); § 1224.1-16(g) (civil remedies). With the above exceptions the following material shall be exempt from disclosure to the extent indicated:

(a) Material considered classified and exempt from disclosure under the provisions of section 552(b)(1) of the Freedom of Information Act (5 U.S.C. 552).

(b) Investigatory material compiled for the purposes of law enforcement provided, however, that if such information is to be used for the basis for denial of any right, privilege or benefit to which such individual would be entitled by Federal law or otherwise, such material shall be provided to the such individual except to the extent necessary to protect the identity of a source who furnished information to the government under an express promise that his or her identity would be held in confidence, or prior to the effective date of the Privacy Act of 1974, under an implied promise of such source.

(c) Required by statute to be maintained and used solely as statistical records.

(d) Investigatory material compiled solely for the purpose of determining suitability, eligibility or qualification for service as an employee or volunteer or for the obtaining of a Federal contract or for access to classified information; provided, however, that such material shall be disclosed to the extent possible without revealing the identity of a source who furnished information to the government under an express promise of the confidentiality of his identity or, prior to the effective date of the Privacy Act of 1974, under an implied promise of such confidentiality of identity.

(e) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service, disclosure of which would compromise the objectivity or fairness of the testing or examination process.

(f) An individual shall not have a right of access to any information compiled by the agency in reasonable anticipation of a civil action or proceeding.

The above specific exemptions from disclosure are made for the purpose of protecting the confidentiality of classified information, sources who furnish information for law enforcement purposes or selection purposes for volunteer service or employment, and to protect the integrity of any system of tests or examinations for Federal service or advancement therein.

§ 1224.1-15 Identification of requestors.

The agency shall require reasonable identification of all individuals who request access to records to assure that records are disclosed to the proper person.

(a) In the event an individual requests disclosure in person, such individual shall be required to show an identification card such as a drivers license etc., containing a photo and a sample signature of such individual. Such individual may also be required to sign a statement under oath as to his or her identity acknowledging that he or she is aware of the penalties for improper disclosure under the provisions of the Privacy Act of 1974.

(b) In the event that disclosure is requested by mail, the agency may request such information as may be necessary to reasonably assure that the individual making such request is properly identified. In certain cases, the agency may require that a mail request be notarized with an indication that the notary received an acknowledgment of identity from the individual making such request.

(c) In the event an individual is unable to provide suitable documentation or identification, the agency may require a signed notarized statement asserting the identity of the individual and stipulating that the individual understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to \$5,000.

(d) In the event a requestor wishes to be accompanied by another person while reviewing his or her records, the agency may require a written statement authorizing discussion of his or her records in the presence of the accompanying representative or other persons.

§ 1224.1-16 Amendment of records and appeals with respect thereto.

A request for inspection of any record shall be made to the Director, A&F/ Administrative Services, 606 Connecticut Avenue NW, Washington, D.C. 20525. Such request may be made by mail or in person provided however that requests made in person may be required to be made upon a form to be provided by the Director of Administrative Services. The Director of Administrative Services shall keep a current list of systems of records maintained by the agency and published in accordance with the provisions of these regulations. Requests as to record systems maintained in Regional Offices may be addressed to the appropriate Regional Office, Attention the Regional Records Officer, in person or by mail. A

requesting individual may request that the agency compile all records pertaining to such individual at any named Regional Office or at the Central Office in Washington, D.C., for such individual's inspection and/or copying. In the event an individual makes such request for a compilation of all records pertaining to him in various locations, appropriate time for such compilation shall be provided as may be necessary to promptly comply with such requests.

Any such requests should contain, at a minimum, identifying information needed to locate any given record and a brief description of the item or items of information required in the event the individual wishes to see less than all records maintained about him.

(a) In the event an individual after examination of his record desires to request an amendment of such records, he may do so by addressing such request to the Director of Administrative Services. The Director of Administrative Services shall provide assistance in preparing any such amendment upon request and a written acknowledgement of receipt of such request within 10 working days from the receipt thereof from the individual who requested the amendment. Such acknowledgment may, if necessary, request any additional information needed to make a determination with respect to such request. If the agency makes a determination to comply with such request within such 10-day period, no written acknowledgement is necessary, provided however that a certification of such change shall be provided to such individual within such period.

(b) Promptly after acknowledgment of the receipt of a request for an amendment the agency shall take one of the following actions:

(1) Make any corrections of any portion of the record which the individual believes is not accurate, relevant, timely or complete.

(2) Inform the individual of its refusal to amend the record in accord with the request together with the reason for such refusal and the procedures established for requesting review of such refusal by the head of the agency or his designee. Such notice shall include the name and business address of such official.

(3) Refer the request to the agency that has control of and maintains the record in those instances where the record requested remains the property of the controlling agency and not of ACTION.

(c) In reviewing a request to amend the record the agency shall assess the accuracy, relevance, timeliness and

completeness of the record with due and appropriate regard for fairness to the individual about whom the record is maintained. In making such determination, the agency shall consult criteria for determining record quality published in pertinent chapters of the Federal Personnel Manual and to the extent possible shall accord therewith.

(d) In the event the agency agrees with the individual's request to amend such record, it shall:

- (1) Advise the individual in writing.
- (2) Correct the record accordingly, and
- (3) Advise all previous recipients of a record which was corrected of the correction and its substance.

(e) In the event the agency, after an initial review of the request to amend a record, disagrees with all or a portion of it, the agency shall:

- (1) Advise the individual of its refusal and the reasons therefore.
- (2) Inform the individual that he or she may request further review in accord with the provisions of these regulations, and
- (3) The name and address to whom the request should be directed.

(f) In the event an individual requestor disagrees with the initial agency determination, he or she may appeal such determination to the Deputy Director of the Agency or his designee. Such request for review must be made within 30 days after receipt by the requestor of the initial refusal to amend.

(g) If after review the Deputy Director or his designee refuses to amend the record as requested he shall advise the individual requester of such refusal and the reasons for same; of his or her right to file a concise statement of the reasons for disagreeing with the decision of the agency in the record; of the procedures for filing a statement of disagreement and of the fact that such statement so

filed will be made available to anyone to whom the record is subsequently disclosed together with a brief statement of the agency summarizing its reasons for refusal, if the agency decides to place such brief statement in the record. The agency shall have the authority to limit the length of any statement to be filed, such limit to depend upon the record involved. The agency shall also inform such individual that prior recipients of the disputed record will be provided a copy of both statements of dispute to the extent that the accounting of disclosures has been maintained and of the individual's right to seek judicial review of the agency's refusal to amend the record.

(h) If after review the official determines that the record should be amended in accordance with the individual's request the agency shall proceed as provided above in the event a request is granted upon initial demand.

(i) Final agency determination of an individual's request for a review shall be concluded within 30 working days from the initial request excluding the period of time between receipt by such individual of the initial denial and his or her filing of a request for review provided however that the Deputy Director or his designee may determine that fair and equitable review cannot be made within that time. If such circumstances occurs, the individual shall be notified of the additional time required in writing and of the approximate date on which determination of the review is expected to be completed.

§ 1224.1-17 Denial of access and appeals with respect thereto.

In the event that the agency finds it necessary to deny any individual access to a record about such individual

pursuant to provisions of the Privacy Act or of these regulations, a response to the original request shall be made in writing within ten working days from the date of such initial request. The denial shall specify the reasons for such refusal or denial and advise the individual of the reasons therefore, and of his or her right to an appeal within the agency and/or judicial review under the provisions of the Privacy Act.

(a) In the event an individual desires to appeal any denial of access, he may do so in writing by addressing such appeal to the attention of the Deputy Director, ACTION, c/o the Director, AF/ Administrative Services, 806 Connecticut Avenue NW, Washington, D.C. 20525. Although there is no time limit for such appeals, ACTION shall be under no obligation to maintain copies of original requests or responses thereto beyond 180 days from the date of the original request.

(b) The Deputy Director, or his designee, shall review a request from a denial of access and shall make a determination with respect to such appeal within 20 days after receipt thereof. Notice of such determination shall be provided to the individual making the request in writing. If such appeal is denied in whole or in part, such notice shall include notification of the right of the person making such requests to have judicial review of the denial as provided in the Privacy Act (5 U.S.C. 552a).

§ 1224.1-18 Fees.

No fees shall be charged for search time or for any other time expended by the agency to produce a record. Copies of records may be charged for at the rate of 10 cents per page provided that one copy of any record shall be provided free of charge.

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

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JBEA—1

System name: Application Files—JBEA.

System location: Joint Board for the Enrollment of Actuaries, Office of the Executive Director, 2401 E Street, NW, Suite 1537, Washington, D. C.

Categories of individuals covered by the system: Individuals who have applied for enrollment to perform actuarial services with respect to plans to which the Employee Retirement Income Security Act (ERISA) applies.

Categories of records in the system: (1) Completed application form. (2) Information relating to determination by the Joint Board as to whether individuals satisfy standards and qualifications established pursuant to Title 29 U.S. Code, Section 1242.

Authority for maintenance of the system: 29 U.S.C. 1242.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Determinations as to whether to enroll individuals to perform actuarial services with respect to plans to which the ERISA applies. (2) Apparent violations of civil or criminal laws will be referred to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil, court action or regulatory order. (3) References to Departments of Labor and/or Treasury for purposes of administering ERISA. (4) Reference to Department of Justice for advice or action when appropriate. (5) See Appendix to this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Executive Director personnel.

Retention and disposal: Records contained in this system will be retained for five years from the date of receipt of the application.

System manager(s) and address: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220

Notification procedure: Inquiries should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220.

Individuals inquiring about records regarding them will be requested to provide reasonable identification. Items such as employment identification cards, driver's licenses and credit cards will be accepted as sufficient absent any indications to the contrary.

Record access procedures: Inquiries concerning access to records regarding identifiable individuals and procedures for contesting information contained in such records should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220, (202) 634 5071.

Contesting record procedures: Same as above.

Systems exempted from certain provisions of the act: Exemption from 5 U.S. Code, Section 552a(e)(4)(I), and from other provisions of the Privacy Act, is sought pursuant to 5 U.S. Code, Section 552a(k)(2).

JBEA—2

System name: Charge Case Inventory Files—JBEA.

System location: Joint Board for the Enrollment of Actuaries, Office of the Executive Director, 2401 E Street, NW, Suite 1537, Washington, D.C.

Categories of individuals covered by the system: Individuals enrolled to perform actuarial services under Employee Retirement Income

Security Act (ERISA) with respect to whom derogatory information has been received.

Categories of records in the system: (1) Completed application form. (2) Additional information received pursuant to request of the Joint Board. (3) Derogatory information regarding individual's eligibility to perform and performance of actuarial services with respect to plans to which ERISA applies.

Authority for maintenance of the system: Title 29, U.S. Code, Section 1242

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Determinations as to whether individuals' enrollment to perform actuarial services with respect to plans to which ERISA applies should be suspended or terminated. (2) Apparent violations of civil or criminal law will be referred to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action or regulatory order. (3) Reference to Department of Justice for advice or action when appropriate. (4) Reference to investigative offices of other agencies for fuller development of facts. (5) See Appendix to this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Executive Director personnel.

Retention and disposal: Records contained in this system will be retained until the matters which justified their inclusion in the Inventory have been resolved. At that time, such records will be transferred to other appropriate systems.

System manager(s) and address: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220

Notification procedure: Inquiries should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220.

Individuals inquiring about records regarding them will be requested to provide reasonable identification. Items such as employment identification cards, drivers licenses and credit cards will be accepted as sufficient absent any indications to the contrary.

Record access procedures: Inquiries concerning access to records regarding identifiable individuals and procedures for contesting information contained in such records should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220, (202) 634 5071.

Contesting record procedures: Same as above.

Systems exempted from certain provisions of the act: Exemption from 5 U.S. Code, Section 552a(e)(4)(I), and from other provisions of the Privacy Act, is sought pursuant to 5 U.S. Code, Section 552a(k)(2).

JBEA—3

System name: Denied Applications—JBEA.

System location: Joint Board for the Enrollment of Actuaries, Office of the Executive Director, 2401 E Street, NW, Suite 1537, Washington, D. C.

Categories of individuals covered by the system: Individuals whose applications for enrollment to perform actuarial services, with respect to plans to which the Employee Retirement Income Security Act (ERISA) applies, have been denied.

Categories of records in the system: (1) Completed application form (2) information relating to determination by the Joint Board as to whether individuals satisfy standards and qualifications established pursuant to Title 29 U.S. Code, Section 1242.

Authority for maintenance of the system: Title 29 U.S. Code, Section 1242.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) In event of reapplication, as to whether to enroll individuals to perform actuarial services. (2) Apparent violations of civil or criminal laws will be referred to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action or regulatory order. (3) Reference to Departments of Labor and/or Treasury for purposes of administering ERISA. (4) See Appendix to this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Executive Director personnel.

Retention and disposal: Records contained in this system will be retained for 25 years from the date of receipt of an application.

System manager(s) and address: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220

Notification procedure: Inquiries should be addressed to: Executive Director Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220

Individuals inquiring about records regarding them will be requested to provide reasonable identification. Items such as employment identification cards, driver's license and credit cards will be accepted as sufficient absent any indications to the contrary.

Record access procedures: Inquiries concerning access to records regarding identifiable individuals and procedures for contesting information contained in such records should be addressed to: Executive Director Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220 (202) 634-5071

Contesting record procedures: Same as above

Record source categories: Application files.

JBEA-4

System name: Enrollment Files—JBEA.

System location: Joint Board for the Enrollment of Actuaries, Office of the Executive Director, 2401 E Street, NW, Suite 1537, Washington, D.C.

Categories of individuals covered by the system: Individuals enrolled to perform actuarial services with respect to plans to which the Employee Retirement Income Security Act (ERISA) applies.

Categories of records in the system: (1) Completed application for enrollment form. (2) Information relating to determination by the Joint board that individuals satisfy standards and qualifications established pursuant to Title 29 U.S. Code, Section 1242. (3) Investigatory materials which have been used to determine whether to suspend or terminate individuals' enrollments.

Authority for maintenance of the system: Title 29 U.S. Code, Section 1242

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Use in connection with disciplinary actions pursuant to Title 29 U.S. Code, Section 1242. (2) Apparent violations of civil or criminal laws will be referred to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action or regulatory order. (3) Verification of enrollment status. (4) Reference to Department of Justice for advice or action when appropriate. (5) Reference to Departments of Labor and/or Treasury for purposes of administering ERISA. (6) See Appendix to this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Executive Director personnel.

Retention and disposal: Individuals' files are retained for ten years subsequent to the termination of their enrollments.

System manager(s) and address: Executive Director Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220

Notification procedure: Inquiries should be addressed to: Executive Director Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220

Individuals inquiring about records regarding them will be requested to provide reasonable identification. Items such as employment identification cards, driver's license and credit cards will be accepted absent any indications to the contrary.

Record access procedures: Inquiries concerning access to records regarding identifiable individuals and procedures for contesting information contained in such records should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220 (202) 634-5071.

Contesting record procedures: Same as above.

Systems exempted from certain provisions of the act: Exemption from 5 U.S. Code Section 552a(e)(4)(1), and from other provisions of the Privacy Act, is sought pursuant to 5 U.S. Code, Section 552a(k)(2).

JBEA-5

System name: Enrollment Roster—JBEA.

System location: Joint Board for the Enrollment of Actuaries, Office of the Executive Director, 2401 E Street, NW, Suite 1537, Washington, D.C.

Categories of individuals covered by the system: Individuals enrolled to perform actuarial services with respect to plans to which the Employee Retirement Income Security Act (ERISA) applies.

Categories of records in the system: List of enrolled individuals.

Authority for maintenance of the system: Title 29 U.S. Code, Section 1242

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Copies of roster may be furnished to representatives of Departments of Labor and Treasury who have occasion to meet and/or correspond with enrolled actuaries. (2) Disclosure to public pursuant to 5 U.S.C., Section 552. (3) See Appendix to this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Three by five cards and/or computerized printout.

Retrievability: This system is indexed by name of individual.

Safeguards: This system is public information.

Retention and disposal: This system is permanently maintained and periodically updated.

System manager(s) and address: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220

Notification procedure: Inquiries should be addressed to: Executive Director, Joint Board for the enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220

Record access procedures: Inquiries concerning access to records regarding identifiable individuals and procedures for contesting information contained in such records should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220, (202) 634-5071

Contesting record procedures: Same as above.

Record source categories: Enrollment Files.

JBEA-6.

System name: General Correspondence File—JBEA.

System location: Joint Board for the Enrollment of Actuaries, Office of the Executive Director, 2401 E Street, NW, Suite 1537, Washington, D.C.

Categories of individuals covered by the system: General Public.

Categories of records in the system: Generally inquiries and comments from the general public.

Authority for maintenance of the system: Title 29 U.S. Code, Section 1242

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Provide answers to inquiries or other information regarding the operation of the Joint Board. (2) See Appendix to this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: Correspondence received in indexed alphabetically by last name of writer.

Safeguards: The Office of the Executive Director keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations will be conducted with respect to all Office of Executive Director personnel.

Retention and disposal: Correspondence contained in this file is disposed of after five years from the date of receipt.

System manager(s) and address: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220

Notification procedure: Inquiries should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220

Individuals inquiring about records regarding them will be requested to provide reasonable identification. Items such as employment identification cards, driver's license and credit cards will be accepted as sufficient absent any indications to the contrary.

Record access procedures: Inquiries concerning access to records regarding identifiable individuals and procedures for contesting information contained in such records should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220 (202) 634-5071.

Contesting record procedures: Same as above.

Record source categories: General Public.

JBEA-7

System name: General Information—JBEA.

System location: Joint Board for the Enrollment of Actuaries, Office of the Executive Director, 2401 E Street, NW, Suite 1537, Washington, D.C.

Categories of individuals covered by the system: Individuals who have not applied for enrollment to perform actuarial services but with respect to whom information relevant to any future application has been received.

Categories of records in the system: (1) Information relating to determinations by the Joint Board as to whether individuals satisfy standards and qualifications established pursuant to Title 29 U.S. Code, Section 1242. (2) See Appendix to this notice.

Authority for maintenance of the system: Title 29 U.S. Code, Section 1242.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Determinations, as to whether to enroll individuals to perform actuarial services with respect to plans to which the Employee Retirement Income Security Act (ERISA) applies, to be made at such times as application are received from such individuals. (2) Apparent violations of civil or criminal laws will be referred to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action or regulatory order. (3) Reference to Department of Justice for advice or action when appropriate. (4) Reference to investigative offices of other agencies for fuller development of facts. (5) See Appendix to this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigation are conducted with respect to all Office of Executive Director personnel.

Retention and disposal: Retain until 25 years after case closed.

System manager(s) and address: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220

Notification procedure: Inquiries should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220.

Individuals inquiring about records regarding them will be requested to provide reasonable identification. Items such as an employment identification cards, driver's license and credit cards will be accepted as sufficient absent any indications to the contrary.

Record access procedures: Inquiries concerning access to records regarding identifiable individuals and procedures for contesting information contained in such records should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220 (202) 634-5071.

Contesting record procedures: Same as above.

Systems exempted from certain provisions of the act: Exemption from 5 U. S. Code, Section 552a(e)(4)(I), and from other provisions of the Privacy Act, is pursuant to 5 U.S. Code, Section 552a(k)(2).

JBEA-8

System name: Suspension and Termination Files—JBEA.

System location: Joint Board for the Enrollment of Actuaries, Office of the Executive Director, 2401 E Street, NW, Suite 1537, Washington, D.C.

Categories of individuals covered by the system: Individuals whose enrollments to perform actuarial services with respect to plans to which the Employee Retirement Income Security Act (ERISA) applies have been suspended or terminated.

Categories of records in the system: (1) Completed application for enrollment form. (2) Information relating to determination by the Joint Board as to whether individuals satisfy standards and qualifications established pursuant to Title 29 U.S. Code, Section 1242. (3) Additional information received pursuant to request of the Joint Board made under authority of 20 CFR 901.10(b). (4) Derogatory information regarding individuals' eligibility to perform actuarial services with respect to plans to which ERISA applies or evidence of disreputable conduct within meaning of Title 20, CFR. (5) Record of administrative proceeding for suspension or termination.

Authority for maintenance of the system: Title 29 U.S. Code, Section 1242.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Maintain record of those whose enrollment to perform actuarial services has been suspended or terminated. (2) Apparent violation of civil or criminal law will be referred to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action or regulatory order. (3) Reference to Department of Justice for advice or action when appropriate. (4) Reference to Department of Labor and/or Treasury for purpose of administering ERISA. (5) See Appendix to this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Executive personnel.

Retention and disposal: Retain until 25 years case closed.

System manager(s) and address: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220

Notification procedure: Inquiries should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220

Individuals inquiring about records regarding them will be requested to provide reasonable identification. Items as employment identification cards, driver's license and credit cards will be accepted as sufficient absent any indications to the contrary.

Record access procedures: Inquiries concerning access to records regarding identifiable individuals and procedures for contesting information contained in such records should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220 (202) 634-5071.

Contesting record procedures: Same as above.

Systems exempted from certain provisions of the act: Exemption from 5 U.S. Code, Section 552a(e)(4)(I), and from other provisions of the Privacy Act, is sought pursuant to 5 U.S. Code, Section 552a(i)(2).

JBEA-9

System name: Suspension and Termination Roster—JBEA.

System location: Joint Board for the Enrollment of Actuaries, Office of the Executive Director, 2401 E Street, NW, Suite 1537, Washington, D.C.

Categories of individuals covered by the system: Individuals whose enrollments to perform actuarial services with respect to plans to which the Employee Retirement Income Security Act (ERISA) applies have been suspended or terminated.

Categories of records in the system: Listed of actuaries whose enrollment has been suspended or terminated.

Authority for maintenance of the system: Title 29 U.S. Code, Section 1242.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Copies of roster may

be furnished to representatives of Department of Labor and Treasury who have occasion to meet and/or correspond with enrolled actuaries. (2) Disclosure to public pursuant to 5 U.S. Code, Section 552.3) See appendix to this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Three by five cards and/or computerized printout.

Retrievability: This system is indexed by name of individual.

Safeguards: This system is public information.

Retention and disposal: This system is permanently maintained and periodically updated.

System manager(s) and address: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220

Notification procedure: Inquiries should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220.

Record access procedures: Inquiries concerning records regarding identifiable individuals—and procedures for contesting information contained in such records should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220, (202) 634-5071.

Contesting record procedures: Same as above.

Record source categories: Suspension and Termination Files.

APPENDIX: ADDITIONAL ROUTINE USES

A record maintained by the Joint Board for the Enrollment of Actuaries (the Joint Board) to carry out its functions may be disclosed as a "routine use" to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter, provided that disclosure is compatible with the purpose for which such record was collected.

A record maintained by the Joint Board to carry out its functions may be disclosed in response to a court subpoena, to appropriate parties engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony when necessary to courts, magistrate or administrative tribunals, to parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes, to individuals seeking information by using establishing discovery procedures, whether in connection with civil, criminal or regulatory proceedings.

Disclosure from the record of an individual may be made a congressional office, in response to an inquiry which such congressional office presents as being made on behalf of, and at the request of, that individual.

Title 20—Employees' Benefits

Chapter VII—Joint Board for the Enrollment of Actuaries

PART 903—ACCESS TO RECORDS

Subpart A—Records Pertaining to Individuals

Sec.

903.1 Purpose and scope of regulations.

903.2 Definitions.

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903.4 Procedures for access to records and accountings of disclosures from records, regarding individuals.

903.5 Procedures for amendment of records regarding individual—format, agency review and appeal from initial adverse agency determination.

903.6 Fees.

903.7 Guardianship.

903.8 Exemptions.

Authority: 5 U.S.C. 552(a).

Source: 41 FR 1493, Jan. 8, 1976, unless otherwise noted.

Subpart A—Records Pertaining to Individuals

§ 903.1 Purpose and scope of regulations.

The regulations in this subpart are issued to implement the provisions of the Privacy Act of 1974 (5 U.S.C. 552a). The regulations relate to all records maintained by the Joint Board for the Enrollment of Actuaries (Joint Board) which are identifiable by individual name or identifier and all systems of such records which are retrievable by name or other identifier. They do not relate to personnel records of Government employees, which are under the jurisdiction of the Civil Service Commission, and, thus, subject to regulations issued by such Commission. The regulations set forth the procedures by which individuals may request notification of whether the Joint Board maintains or has disclosed a record pertaining to them or may seek access to such records maintained in any non-exempt system of records, request amendment of such records, and appeal any initial adverse determination with respect to any such request.

§ 903.2 Definitions.

(a) The term "agency" includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency (see 5 U.S.C. 552(e));

(b) The term "individual" means a citizen of the United States or an alien

lawfully admitted for permanent residence;

(c) The term "maintain" includes maintain, use, collect or disseminate;

(d) The term "record" means any item, collection, or grouping of information about an individual that is maintained by the Joint Board, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual such as a finger or voice print or a photograph;

(e) The term "system of records" means a group of any records under the control of the Joint Board from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(f) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 903.3 Procedures for notification with respect to records regarding individuals.

(a) *Procedures for notification.* The systems of records maintained by the Joint Board are listed annually as required by the Privacy Act of 1974. Any individual, who wishes to know whether a system of records contains a record regarding him, may write to the Executive Director, Joint Board for the Enrollment of Actuaries, c/o U.S. Department of the Treasury, Washington, D.C. 20220. Requests may also be delivered personally to the Executive Director, Joint Board for the Enrollment of Actuaries, 2401 E Street, NW, Suite 1537, Washington, D.C. between the hours of 9 a.m. and 5 p.m. on workdays. Any such inquiry will be acknowledged in writing within 10 days (excluding Saturdays, Sundays and legal public holidays) of receipt of the request.

(b) *Requests.* A request for notification of whether a record exists shall:

(1) Be made in writing and signed by the person making the request, who must be the individual about whom the record is maintained, or his duly authorized representative (see § 903.7);

(2) State that it is made pursuant to the Privacy Act, 5 U.S.C. 552a, or the regulations contained in this Part;

(3) Furnish the name of the system of records with respect to which notification is sought, as specified in the systems notices published in the *Federal Register*, Volume 40, No. 187;

(4) Mark "Privacy Act Request" on the request and on the envelope in which the request is contained;

(5) Be addressed as specified in paragraph (a) of this section, unless personally delivered; and

(6) Meet the requirements set forth in paragraph (c) of this section.

(c) *Verification of identity.*

Notification of the existence of records in certain systems maintained by the Joint Board will not be made unless the individual requester's identity is verified. Where applicable, requirements for verification of identity are specified in the notices of systems published in the *Federal Register*, Volume 40, No. 187.

(d) *Date of receipt of request.* A request for notification with respect to records shall be considered to have been received on the date on which the requirements of paragraphs (a), (b) and (c) of this section have been satisfied. Requests for notification shall be stamped with the date of receipt by the Office of the Executive Director.

(e) *Exemptions.* The procedures prescribed under paragraphs (a), (b) and (c) of this section shall not apply to: (1) Systems of records exempted pursuant to 5 U.S.C. 552a(k); (2) information compiled in reasonable anticipation of a civil action or proceeding (see 5 U.S.C. 552a(d) (5)); or (3) information regarding an individual which is contained in, and inseparable from, another individual's record.

(f) *Notification of determination—(1) In general.* The Executive Director shall, except as otherwise provided in this paragraph, notify an individual requester as to whether or not a system of records contains a record regarding such individual. Such notification shall be made within 30 days (excluding Saturdays, Sundays and legal public holidays) after the date of receipt of the request, as determined in accordance with paragraph (d) of this section. If it is not possible to respond within 30 days, the Executive Director will inform the requester, stating the reasons for the delay (e.g., volume of records involved, need to consult other agencies, or the difficulty of the legal issues involved) and when a response will be dispatched.

(2) *Denial of request.* When it is determined that a request for notification with respect to records will be denied (whether in whole or in part or subject to conditions or exceptions), the person making the request shall be so notified by mail in accordance with paragraph (f)(1) of this section. The letter of notification shall set forth the name and title or position of the responsible official.

(3) *Records exempt in whole or in part.* (i) When an individual requests notification with respect to records concerning himself which have been compiled in reasonable anticipation of a civil action or proceeding either in a court or before an administrative tribunal, the Executive Director will neither confirm nor deny the existence of the record but shall advise the individual only that no record with respect to the existence of which he is entitled to be notified pursuant to the Privacy Act of 1974 has been identified.

(ii) Requests for records which have been exempted from the requirement of notification pursuant to 5 U.S.C. 552a(k)(2) shall be responded to in the manner provided in paragraph (f)(3)(i) of this section.

§ 903.4 Procedures for access to records and accountings of disclosures from records, regarding individuals.

(a) *Access.* The Executive Director of the Joint Board shall, upon request by any individual to gain access to a record regarding him which is contained in a system of records maintained by the Joint Board, or to an accounting of a disclosure from such record made pursuant to 5 U.S.C. 552a(c)(1), permit that individual, and, upon his/her request, a person he/she chooses to accompany him/her, to review the record or any such accounting and have a copy made of all or any portion thereof in a form comprehensible to the individual, except that the Executive Director may require the individual to furnish a written statement authorizing discussion of that individual's record in the accompanying person's presence. Such request may be addressed to the Executive Director, Joint Board for the Enrollment of Actuaries, c/o U.S. Department of the Treasury, Washington, D.C. 20220. Requests may also be delivered personally to the Executive Director, Joint Board for the Enrollment of Actuaries, 2401 E Street, NW, Suite 1537, Washington, D.C., between the hours of 9 a.m. and 5 p.m. on workdays. Any such inquiry will be acknowledged in writing within 10 days (excluding Saturdays, Sundays and legal public holidays) of receipt of the request (see paragraph (e) of this section).

(b) *Requests.* A request for access to records or accountings of disclosure from records, shall:

(1) Be signed in writing by the person making the request, who must be the individual about whom the record is maintained, or his duly authorized representative (see § 903.7);

(2) State that it is made pursuant to the Privacy Act, 5 U.S.C. 552a, or the regulations contained in this Part;

(3) Furnish the name of the system of records to which access is sought, or the name of the system for a disclosure from which an accounting is sought, as specified in the systems notices published in the **Federal Register**, Volume 40, No. 167;

(4) Mark "Privacy Act Request" on the request and on the envelope in which the request is contained;

(5) Be addressed as specified in paragraph (a) of this section, unless personally delivered;

(6) State whether the requester wishes to inspect the records and/or accountings of disclosures therefrom, or desires to have a copy made and furnished without inspecting them;

(7) State, if the requester desires to have a copy made, the requester's agreement to pay the fees for duplication as ultimately determined in accordance with § 903.6; and

(8) Meet the requirements set forth in paragraph (c) of this section.

(c) *Verification of identity.* Access to records contained in certain systems maintained by the Joint Board and/or accountings of disclosures from such records, will not be granted unless the individual requester's identity is verified. Where applicable, requirements for verification of identity are specified in the notices of systems published in the **Federal Register**, Volume 40, No. 167.

(d) *Exemptions.* The procedures specified in paragraphs (a), (b) and (c) of this section shall not apply to: (1) Systems of records exempted pursuant to 5 U.S.C. 552a(k); (2) information compiled in reasonable anticipation of a civil action or proceeding (see 5 U.S.C. 552a(d)(5)); or (3) information regarding an individual which is contained in, and inseparable from, another individual's record.

(e) *Date of receipt of request.* A request for access to records and/or accountings shall be considered to have been received on the date on which the requirements of paragraphs (a), (b) and (c) of this section have been satisfied. Requests for access, and any separate agreement to pay, shall be stamped with the date of receipt by the Office of the Executive Director. The latest of such stamped dates will be deemed to be the date of receipt of the request.

(f) *Notification of determination.*—(1) *In general.* Notification of determinations as to whether to grant access to records and/or accountings requested will be made by the Executive Director of the Joint Board. The notification of the determination shall be made within 30 days (excluding Saturdays, Sundays and legal public holidays) after the date of receipt of the

request, as determined in accordance with paragraph (g) of this section. If it is not possible to respond within 30 days, the Executive Director will inform the requester, stating the reason(s) for the delay (e.g., volume of records requested, need to consult other agencies, or the difficulty of the legal issues involved) and when a response will be dispatched (See 5 U.S.C. 552a(d) and (f)).

(2) *Granting of access.* (i) When it has been determined that the request for access will be granted—(A) and a copy requested; such copy in a form comprehensible to him shall be furnished promptly, together with a statement of the applicable fees for duplication as set forth elsewhere in these regulations (See § 903.6); and (B) and the right to inspect has been requested, the requester shall be promptly notified in writing of the determination, and when and where the requested records and/or accountings may be inspected. (ii) An individual seeking to inspect records concerning himself and/or accountings of disclosure from such records may be accompanied by another individual of his own choosing. The individual seeking access shall be required to sign the required form indicating that the Joint Board is authorized to discuss the contents of the subject record in the accompanying person's presence. If, after making the inspection, the individual making the request desires a copy of all or portion of the requested records, such copy in a form comprehensible to him shall be furnished upon payment of the applicable fees for duplication as prescribed by § 903.6. Fees shall not be charged where they would amount, in the aggregate, to less than \$53.00. (See 5 U.S.C. 552a (d) and (f)).

(3) *Denial of request.* (i) When it is determined that the request for access to records will be denied (whether in whole or in part or subject to conditions or exceptions), the person making the request shall be so notified by mail in accordance with paragraph (f)(1) of this section. The letter of notification shall contain a statement of the reasons for not granting the request as made, set forth the name and title or position of the responsible official and advise the individual making the request of the right to file suit in accordance with 5 U.S.C. 552a(g)(1)(B).

(ii) When it is determined that a request for access to accountings will be denied, the person making the request shall be so notified by mail in accordance with paragraph (f)(4)(iii) of this section.

(4) *Records exempt in whole or in part.*

(i) When an individual requests records concerning himself which have been compiled in reasonable anticipation of a civil action or proceeding either in a court or before an administrative tribunal, the Executive Director will neither confirm nor deny the existence of the record but shall advise the individual only that no record available to him pursuant to the Privacy Act of 1974 has been identified.

(ii) Requests for records which have been exempted from disclosure pursuant to 5 U.S.C. 552a(k)(2) shall be responded to in the manner provided in paragraph (f)(4)(i) of this section unless a review of the information indicates that the information has been used or is being used to deny the individual any right, privilege or benefit for which he is eligible or to which he would otherwise be entitled under Federal law. In that event, the individual shall be advised of the existence of the information but such information as would identify a confidential source shall be extracted or summarized in a manner which protects the source to the maximum degree possible and the summary extract shall be provided to the requesting individual.

(iii) When an individual requests access to accountings of disclosure from records concerning himself which have been compiled in reasonable anticipation of a civil action or proceeding, either in a court or before an administrative tribunal, or which have been exempted from disclosure pursuant to 5 U.S.C. 552a(k)(2), the Executive Director will neither confirm nor deny the existence of the record or accountings of disclosure therefrom, but shall advise the individual that no accounting available to him pursuant to the Privacy Act of 1974 has been identified.

§ 903.5 Procedures for amendment of records regarding individual—format, agency review and appeal from initial adverse agency determination.

(a) *In general.* Subject to the application of exemptions promulgated by the Joint Board, in accordance with 5 U.S.C. 552a(k), the Executive Director shall, in conformance with 5 U.S.C. 552a(d)(2), permit an individual to request amendment of a record pertaining to him. Any such request shall be addressed to the Executive Director, Joint Board for the Enrollment of Actuaries, U.S. Department of the Treasury, Washington, D.C. 20220 or delivered personally to the Executive Director, Joint Board for the Enrollment of Actuaries, 2401 E Street, NW, Suite 1537, Washington, D.C. Any request for amendment of records or any appeal from the initial denial of a request which

does not fully comply with the requirements of this section will not be deemed subject to the time constraints of paragraph (e) of this section, unless and until amended so as to comply. However, the Executive Director shall forthwith advise the requester in what respect the request or appeal is deficient so that it may be resubmitted or amended. (See 5 U.S.C. 552a (d) and (f)).

(b) *Form of request to amend records.* In order to be subject to the provisions of this section, a request to amend records shall:

(1) Be made in writing and signed by the person making the request, who must be the individual about whom the record is maintained, or his duly authorized representative. (See § 903.7);

(2) State that it is made pursuant to the Privacy Act, 5 U.S.C. 552a or these regulations;

(3) Mark "Privacy Act Amendment Request" on the request and on the envelope; and

(4) Reasonably describe the records which the individual desires to have amended, including, to the best of the requester's knowledge, dates of letters requesting access to such records previously and dates of letters in which notification concerning access was made, if any, and the individual's documentation justifying the correction. (See 5 U.S.C. 552a (d) and (f)).

(c) *Date of receipt of request.* A request for amendment of records pertaining to an individual shall be deemed to have been received for purposes of this subpart when the requirements of paragraphs (a) and (b) of this section have been satisfied. The Office of the Executive Director shall stamp the date of receipt of the request thereon. (See 5 U.S.C. 552a (d) and (f)).

(d) *Review of requests to amend records.* The Executive Director shall:

(1) Not later than 10 days (excluding Saturdays, Sundays, and legal public holidays) after the date of receipt of such request, acknowledge in writing such receipt; and

(2) Promptly, either—(i) make any correction of any portion of a record which the individual believes and the Executive Director agrees is not accurate, relevant, timely, or complete; or (ii) inform the individual of the refusal to amend the record in accordance with his request, the reason for the refusal, and that he may request that the Joint Board review such refusal. (See 5 U.S.C. 552a (d) and (f)).

(e) *Administrative appeal*—(1) *In general.* The Joint Board shall permit individuals to request a review of initial decisions made under paragraph (d) of this section when an individual

disagrees with a refusal to amend his record. (See 5 U.S.C. 552a(d), and (g)(1)).

(2) *Form of request for administrative review of refusal to amend record.* At any time within 35 days after the date of the notification of the initial decision described in paragraph (d)(2)(ii) of this section, the requester may submit a request for review of such refusal to the official specified in the notification of the initial decision. The appeal shall:

(i) Be made in writing stating any arguments in support thereof and be signed by the person to whom the record pertains, or his duly authorized representative (See § 903.7);

(ii) Within 35 days of the date of the initial decision: (A) Be addressed and mailed to the Joint Board for the Enrollment of Actuaries, c/o U.S. Department of the Treasury, Washington, D.C. 20220; or (B) be personally delivered to the Executive Director, Joint Board for the Enrollment of Actuaries, 2401 E Street NW, Suite 1537, Washington, D.C. on workdays between the hours of 9 a.m. and 5 p.m.;

(iii) Have clearly marked on the appeal and on the envelope, "Privacy Act Amendment Appeal";

(iv) Reasonably describe the records requested to be amended; and

(v) Specify the date of the initial request to amend records, and the date of the letter giving notification that the request was denied. (See 5 U.S.C. 552a (d) and (f)).

(3) *Date of Receipt.* Appeals shall be promptly stamped with the date of their receipt by the Office of the Executive Director and such stamped date will be deemed to be the date of receipt for all purposes of this section. The receipt of the appeal shall be acknowledged within 10 days from the date of receipt (unless the determination on appeal is dispatched in 10 days, in which case, no acknowledgment is required) by the Joint Board and the requester is advised of the date of receipt established by the foregoing and when a response is due in accordance with this paragraph. (See 5 U.S.C. 552a (d) and (f)).

(4) *Review of administrative appeals from denial of requests to amend records.* The Joint Board shall complete the review and notify the requester of the final agency decision within 30 days (exclusive of Saturdays, Sundays and legal public holidays) after the date of receipt of such appeal, unless it extends the time for good cause shown. If such final agency decision is to refuse to amend the record, in whole or in part, the requester shall also be advised of his right; (i) to file a concise "Statement of Disagreement" setting forth the reasons for his disagreement with the decision

which shall be filed within 35 days of the date of the notification of the final agency decision and (ii) to seek judicial review of the final agency decision under 5 U.S.C. 552a(g)(1)(A). (See 5 U.S.C. 552a (d), (f) and (g)(1)).

(5) *Notation on record and distribution of statements of disagreement.* (i) The Executive Director is responsible, in any disclosure containing information about which an individual has filed a "Statement of Disagreement," occurring after the filing of the statement under (4) above, for clearly noting any portion of the record which is disputed and providing copies of the statement and, if deemed appropriate, a concise statement of the Joint Board's reasons for not making the amendments requested, to persons or other agencies to whom the disputed record has been disclosed. (See 5 U.S.C. 552a(d)(4)).

(ii) In addition, when a "Statement of Disagreement" is filed regarding information previously disclosed to a person or other agency and when, for such disclosure, an accounting was made pursuant to 5 U.S.C. 552(c)(1), then the Executive Director shall provide such person or other agency with the following:

(A) Copy of the "Statement of Disagreement";

(B) Copy of the portion of the previously disclosed in dispute clearly noted as disputed and;

(C) If deemed appropriate, a concise statement of the Joint Board's reasons for not making requested amendments.

(f) *Records not subject to correction.* The following records are not subject to correction or amendment by individuals:

(1) Transcripts or written statements made under oath;

(2) Transcripts of Grand Jury proceedings, judicial or quasi-judicial proceedings which form the official record of those proceedings;

(3) Pre-sentence reports comprising the property of the courts but maintained in agency files;

(4) Records pertaining to the determination, the collection and the payment of federal taxes; and

(5) Records duly exempted from correction by notice published in the **Federal Register**.

[41 FR 1493, Jan. 8, 1976, as amended at 45 FR 84994, Dec. 24, 1980]

§ 903.6 Fees.

Charges for copies of records made pursuant to part 903 of this chapter will be at the rate of \$0.10 per copy. For records not susceptible to photocopying, e.g., over-size materials, photographs, etc., the amount charged will be the actual cost of copying. Only one copy of

each record requested will be provided. No charge will be made unless the charge as computed above would exceed \$3 for each request or related series of requests. If a fee in excess of \$25 is required, the requester will be notified that the fee must be tendered before the records will be copied.

§ 903.7 Guardianship.

The guardian of a person judicially determined to be incompetent shall, in addition to establishing the identity of the person he represents, establish his own guardianship by furnishing a copy of a court order establishing the guardianship and may thereafter act on behalf of such individual. (See 5 U.S.C. 552a(h)).

§ 903.8 Exemptions.

(a) *Names of systems:* (1) JBEA—Enrollment Files.

(2) JBEA—Application Files.

(3) JBEA—General Information.

(4) JBEA—Charge Case Inventory Files.

(5) JBEA—Suspension and Termination Files.

(b) *Provisions from which exempted:*

These systems contain records described in 5 U.S.C. 552a(k), the Privacy Act of 1974. Exemption will be claimed for such records only where appropriate from the following provisions: Subsections (c)(3), (d)(1), (2), (3) and (4), (e)(1), (c)(4)(G), (H) and (I), and (f)(1), (2), (3), (4) and (5) of 5 U.S.C. 552a.

(c) *Reasons for claimed exemptions:*

(1) The Privacy Act of 1974 creates several methods by which individuals may learn of and obtain records containing information on such individuals and consisting of investigatory material compiled for law enforcement purposes. These methods are as follows: Subsection (c)(3) allows individuals to discover if other agencies are investigating such individuals; subsections (d)(1), (e)(4)(H) and (f)(2), (3) and (5) establish the ability of individuals to gain access to investigatory material compiled on such individuals; subsections (d)(2), (3) and (4), (e)(4)(H) and (f)(4) presuppose access and enable individuals to contest the contents of investigatory material compiled on these individuals; and subsections (e)(4)(G) and (f)(1) allow individuals to determine whether or not they are under investigation. Because these subsections are variations upon the individual's ability to ascertain whether his civil or criminal misconduct has been discovered, these subsections have been grouped together for purposes of this notice.

(2)(i) The Joint Board believes that imposition of the requirements of subsection (c)(3), which requires that accountings of disclosures be made available to individuals, would impair the ability of the Joint Board and other investigative entities to conduct investigations of alleged or suspected violations of the regulations governing the performance of actuarial services with respect to plans to which the Employee Retirement Income Security Act (ERISA) applies, and of civil or criminal laws. Making the accountings of disclosures available to individuals enables such individuals to identify entities investigating them and thereby to determine the nature of the violations of which they are suspected. With such knowledge, individuals would be able to alter their illegal activities, destroy or alter evidence of such activities and seriously impair the successful completion of investigations. For these reasons, the Joint Board seeks exemption from the requirements of subsection (c)(3).

(ii) With respect to subsections (d)(1), (e)(4)(H), and (f)(2), (3) and (5), the Joint Board believes that access to investigatory material would prevent the successful completion of investigations. Individuals who gain access to investigatory material involving them discover the nature and extent of the violations of regulations, and of civil and criminal laws, of which they are suspected. By gaining access, such individuals also learn the facts developed during investigations. Knowledge of these matters enables these individuals to destroy or alter evidence which would otherwise have been used against them. In addition, knowledge of the facts and suspected violations gives individuals, who are committing ongoing violations, or who are about to commit violations of regulations, or of civil or criminal laws, the opportunity to temporarily postpone the commission of the violations or to effectively disguise the commission of these violations. Material compiled on investigated individuals reveals investigative techniques and procedures, disclosure of which enables such individuals to structure their illegal activities so as to escape detection. Further, such material may contain, or by its very nature reveal, the identity of confidential sources. When the identities of confidential sources are revealed, they may be subjected to various forms of reprisal. If confidential sources of information are subjected to actual reprisals or fear thereof, they may become reluctant to provide information necessary to identify or prove the guilt

of persons who violate regulations, or civil or criminal laws. Further, the protections afforded by the above-referenced subsections are unnecessary because the Joint Board may not deny enrollment or suspend or terminate the enrollment of an individual to perform actuarial services until it has provided such individual with due process safeguards. For the reasons stated in this subparagraph, the Joint Board seeks exemptions from the requirements of subsections (d)(1), (e)(4)(H), and (f)(2), (3) and (5).

(iii) With respect to subsections (d)(2), (3) and (4), (e)(4)(H), and (f)(4), the Joint Board believes that the imposition of these requirements, which presuppose access and provide for amending records, would impair the ability to conduct investigations and would be unnecessary for the same reasons stated in the preceding subparagraph (2)(B). These reasons herein are incorporated by reference. Therefore, the Joint Board seeks exemption from the requirements of subsections (d)(2), (3) and (4), (e)(4)(H), and (f)(4).

(iv) With respect to subsections (e)(4)(G) and (f)(1), the Joint Board believes that informing individuals that they are the subjects of a particular system or systems of records would impair the ability of the Joint Board and its agents to successfully complete investigations of suspected or alleged

violators of the regulations governing the performance of actuarial services with respect to plans to which ERISA applies. Individuals who learn that they are suspected of violating said regulations are given the opportunity to destroy or alter evidence needed to prove the alleged violations. Such individuals may also be able to impair investigations by temporarily suspending or restructuring the activities which place them in violation of said regulations. Further, as noted in preceding subparagraph (2)(B) and incorporated by reference herein, the procedural requirements imposed on the Joint Board by ERISA make the protections afforded by subsections (c)(4)(G) and (f)(1) unnecessary. For these reasons, the Joint Board seeks exemptions from the requirements of subsections (c)(4)(G) and (f)(1).

(v) Subsection (e)(1) of the Privacy Act of 1974 requires that the Joint Board maintain in its records only information that is relevant and necessary to accomplish a purpose of the Office required to be accomplished by statute or by executive order of the President. The Joint Board believes that imposition of said requirement would seriously impair its ability, and the abilities of its agents and other investigative entities to effectively investigate suspected or alleged violations of regulations and of civil or criminal laws. The Joint Board

does not initiate inquiries into individuals' conduct unless it receives information evidencing violation by such individuals of the regulations governing performance of actuarial services with respect to plans to which ERISA applies. Sources of such information may be unfamiliar with the Joint Board's interpretations of said regulations and, therefore, may not always provide only relevant and necessary information. Therefore, it may often be impossible to determine whether or not information is relevant and necessary. For these reasons, the Joint Board seeks exemptions from the requirement of subsection (e)(1).

(vi) Subsection (e)(4)(I) of the Privacy Act of 1974 requires the publication of the categories of sources of records in each system of records. The Joint Board believes that imposition of said requirement would seriously impair its ability to obtain information from such sources for the following reasons. Revealing such categories of sources could disclose investigative techniques and procedures and could cause sources to decline to provide information because of fear of reprisal, or fear of breaches of promises of confidentiality. For these reasons, the Joint Board seeks exemptions from the requirement of subsection (e)(4)(I).

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

ACUS—1

System name: Membership and Correspondence Files—ACUS.

System location: Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW, Suite 500, Washington, D.C. 20037.

Categories of individuals covered by the system: Current and former members of the Administrative Conference of the United States.

Categories of records in the system: Correspondence between current and former members of the Conference and the Chairman or staff of the Conference; biographical data on members.

Authority for maintenance of the system: 5 U.S.C. 575; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are maintained and used by the Chairman and staff of the Conference as a reference and working file of current and former members' membership status, their views on Conference studies, proposals, statements and recommendations, and their activities on Conference committees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders in metal file cabinets.

Retrievability: These records are indexed by the names of the current and former members of the Conference.

Safeguards: Stored in metal file cabinets in an area to which access is controlled by and restricted to ACUS personnel.

Retention and disposal: Retained in the permanent files of the Conference.

System manager(s) and address: Executive Director, Administrative Conference of the United States, 2120 L Street, NW, Suite 500, Washington, D.C. 20037.

Notification procedure: Contact the Executive Secretary as provided in 1 CFR 304.20 et seq.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Past and present Conference members; ACUS Chairmen staff; publications.

ACUS—2

System name: Consultants' Contracts and Correspondence Files—ACUS.

System location: Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW, Suite 500, Washington, D.C. 20037.

Categories of individuals covered by the system: Current and former consultants to the Administrative Conference of the United States.

Categories of records in the system: Contracts entered into by the consultants with the Conference and correspondence related thereto; records of the consultants' expenses paid by the Conference.

Authority for maintenance of the system: 5 U.S.C. 574-75; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are maintained for use by the ACUS Chairman and staff in administering the research projects of the Conference and for financial record keeping purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders in metal file cabinets.

Retrievability: These records are indexed by the names of current and former consultants to the Conference.

Safeguards: Stored in metal file cabinets in an area to which access is controlled by and restricted to ACUS personnel.

Retention and disposal: Retained in the permanent files of the Conference.

System manager(s) and address: Executive Director, Administrative Conference of the United States, 2120 L Street, NW, Suite 500, Washington, D.C. 20037.

Notification procedure: Contact the Executive Secretary as provided in 1 CFR 304.20 et seq.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Current and past consultants to the Conference; ACUS Chairmen and staff.

ACUS—3

System name: Council Membership and Correspondence Files—ACUS.

System location: Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW, Suite 500, Washington, D.C. 20037.

Categories of individuals covered by the system: Current and former members of the Council of the Administrative Conference of the United States.

Categories of records in the system: Correspondence between current and former Council members of the Conference and the Chairman or staff of the Conference; biographical data on Council members.

Authority for maintenance of the system: 5 U.S.C. 575; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are maintained and used by the Chairman and staff of the Conference as a reference and working file of current and former Council members, memberships status, their views on Conference studies, proposals, statements, and recommendations, as well as a record of their activities on the Council of the Conference.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders in metal file cabinets.

Retrievability: These records are indexed by the names of the current and former Council members of the Conference.

Safeguards: Stored in metal file cabinets in an area to which access is controlled by and restricted to ACUS personnel.

Retention and disposal: Retained in the permanent files of the Conference.

System manager(s) and address: Executive Director, Administrative Conference of the United States, 2120 L Street, NW, Suite 500, Washington, D.C. 20037.

Notification procedure: Contact the Executive Secretary as provided in 1 CFR 304.20 et seq.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Current and former Council members; ACUS Chairman and staff.

ACUS—4

System name: Mailing list for press releases, newsletters, annual reports, and general information—ACUS.

System location: Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW, Suite 500, Washington, D.C. 20037.

Categories of individuals covered by the system: Current and former members of the Conference and consultants to the Conference; officials of all branches of government; representatives of the press; other individuals who have requested that they be kept informed of Conference activities or whose names are placed on the list by the Conference Chairman or staff.

Categories of records in the system: Names and addresses of recipients of Conference publications.

Authority for maintenance of the system: 5 U.S.C. 575; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the staff of the Chairman's Office for the distribution of Conference publications and announcements.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Index card file maintained in a metal index card cabinet.

Retrievability: Indexed alphabetically.

Safeguards: Stored in metal file cabinet in an area to which access is controlled by and restricted to ACUS personnel.

Retention and disposal: Maintained on an ongoing basis; cards removed from the file are destroyed.

System manager(s) and address: Executive Director, Administrative Conference of the United States, 2120 L Street, NW, Suite 500, Washington, D.C. 20037.

Notification procedure: Contact the Executive Secretary as provided in 1 CFR 304.20 et seq.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals requesting information; Conference membership lists and personnel lists of other agencies and units of government; Consultants to Conference committees; representatives of the press.

ACUS—5

System name: Pay and Pay-Related Records. (Payroll, Travel, Attendance, Leave)—ACUS

System location: General Services Administration, Region 3 Office, Room 7109, 7th and D Streets, SW, Washington, D.C. 20407; copies held by the Administrative Conference of the United States, 2120 L Street, NW, Suite 500, Washington, D.C. 20037. (GSA holds records for the Conference under agreement.)

Categories of individuals covered by the system: Current and former employees of the Conference.

Categories of records in the system: Varied payroll records, including among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records; requests for deductions; tax forms; W2 forms; overtime requests; leave data; retirement records. Records are used by the Conference and GSA employees to maintain adequate payroll information for Conference employees and otherwise by Conference and GSA employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 5 U.S.C. 575; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used inhouse and by GSA to complete reports, take personnel action, and fulfill other administrative requirements. Also, see the Appendix below. Categories of users are appropriate ACUS and GSA personnel.

A copy of an employee's Department of the Treasury Form W-2, "Wage and Tax Statement", also is disclosed to a State, city, or other jurisdiction which is authorized to tax the employee's compensation. Such records will be provided in accordance with a withholding agreement between the State, city, or other jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or, in the absence of such an agreement, in response to a written request from an appropriate official of the taxing jurisdiction. An executed copy of an employee's city tax withholding certificate will be furnished to a city upon a written request from an appropriate city official, pursuant to a withholding agreement between the city and the Department of the Treasury (5 U.S.C. 5520). In the absence of a withholding agreement, an employee's Social Security Number will be furnished only to a taxing jurisdiction which has furnished the Conference with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with Section 7 of the Privacy Act of 1974, Pub. L. 93-579.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files stored in metal file cabinets and on microfilm.

Retrievability: Retrieved by name and/or social security number.

Safeguards: Records are stored in locked metal file cabinets in secured premises; access is limited to those whose official duties require access.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address:

General Services Administration 3BCE
Room 7109
Regional Office Building 3
7th and D Streets, SW
Washington, D.C. 20407
Executive Director
Administrative Conference of the United States
2120 L Street, NW
Suite 500

Washington, D.C. 20037.

Notification procedure: Contact the Executive Secretary as provided in 1 CFR 304.20 et seq.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual to whom records pertain; the Chairman and staff of the Conference.

ACUS—6

System name: Personnel Records—ACUS.

System location: General Services Administration, 2100 M Streets, NW, Room 155, Washington, D.C. 20405; copies held by the Administrative Conference of the United States, 2120 L Street, NW, Suite 500, Washington, D.C. 20037. (GSA holds records for the Administrative Conference under agreement.)

Categories of individuals covered by the system: Conference staff employees, including per diem employees.

Categories of records in the system: This records system contains a variety of records relating to personnel actions and determinations about individuals while employed in the Federal service. These records include: Recommendations not submitted on standard Government forms, such as, awards; salary increases; performance ratings and training; intra-office and inter-office communications; resumes; probationary period reports; issuance of motor vehicle operator permits; issuance of Administrative Conference identification cards; career counseling; training needed by an individual, including enrollment individual development plans, counseling, and determinations under the upward mobility, executive development, student trainee, and worker trainee programs; executive inventory records sheets; written requests for information on employment from creditors, financial institutions, etc.; beneficiary designations for unpaid compensation; schedules, tabulations, lists, and organizational charts which contains personal information; Congressional correspondence; and related information.

Authority for maintenance of the system: 5 U.S.C. 575; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used inhouse and by GSA to complete reports, take personnel action, and fulfill other administrative requirements. Also, see the Appendix below. Categories of users are appropriate ACUS and GSA personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records stored in file folders in metal file cabinets.

Retrievability: Retrieved manually, by name of individual.

Safeguards: Records are stored in locked metal file cabinets in secured premises; access is limited to those whose official duties require access.

Retention and disposal: Records retained indefinitely.

System manager(s) and address:

General Services Administration
2100 M Streets, NW
Room 155
Washington, D.C. 20405
Executive Director
Administrative Conference of the United States
2120 L Street, NW
Suite 500
Washington, D.C. 20037.

Notification procedure: Contact the Executive Secretary as provided in 1 CFR 304.20 et seq.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual to whom records pertain; supervisors; official personnel records.

Appendix to Notice of Systems ACUS 5 and 6

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or

charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

4. A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner,

equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement or a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

5. A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

6. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

7. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving the individual when the individual has requested assistance from the Member with respect to the subject matter of the record.

Title 1-General Provisions

Chapter II-Administrative Conference of the United States

PART 304—PUBLIC AVAILABILITY OF DOCUMENTS AND RECORDS

Subpart B—Privacy Act Implementation

Sec.

- 304.20 Purpose and scope.
- 304.21 Definitions.
- 304.22 Procedures for requests pertaining to individual records in a system of records.
- 304.23 Request for amendment or correction of a record.
- 304.24 Disclosure of a record to a person other
- 304.25 Schedule of fees.

Subpart B—Privacy Act Implementation

Authority: 5 U.S.C. 552, 552a, 571-576.

Source: 41 FR 15321, Apr. 12, 1976, unless otherwise noted.

§ 304.20 Purpose and scope.

The purpose of this subpart is the implementation of the Privacy Act of 1974, 5 U.S.C. 552a, by establishing procedures whereby an individual can determine if a system of records maintained by the Administrative Conference contains a record pertaining to himself, and procedures for providing access to such a record for the purpose of review, amendment, or correction. Requests for assistance in interpreting or complying with these regulations should be addressed to the Executive Secretary, Administrative Conference of the United States, 2120 L Street, NW, Suite 500, Washington, D.C. 20037.

§ 304.21 Definitions.

As used in this subpart, the terms "individual," "maintain," "record," "system of records," and "routine use" shall have the meaning specified in 5 U.S.C. 552a(a).

§ 304.22 Procedures for requests pertaining to individual records in a system of records.

(a) An individual can determine if a particular system of records maintained by the Administrative Conference contains a record pertaining to himself by submitting a written request for such information to the Executive Secretary.

The Executive Secretary shall respond to a written request under this subpart within a reasonable time by stating that a record on the individual either is or is not contained in the system.

(b) If an individual seeks access to a record pertaining to himself in a system of records, he shall submit a written request to the Executive Secretary. The Executive Secretary or his designee shall, within ten working days after its receipt, acknowledge the request and if possible decide if it should be granted. In any event, a decision shall be reached promptly and notification thereof provided to the individual seeking access. If the request is denied, the individual shall be informed of the reasons therefor and his right to seek judicial review.

(c) In cases where an individual has been granted access to his records, the Executive Secretary may, prior to releasing such records, require the submission of a signed notarized statement verifying the identity of the individual to assure that such records are disclosed to the proper person. No verification of identity will be required when such records are available under the Freedom of Information Act, 5 U.S.C. 552, as amended.

§ 304.23 Request for amendment or correction of a record.

(a) An individual may file a request with the Executive Secretary for amendment or correction of a record pertaining to himself in a system of records. Such written request shall state the nature of the information in the record the individual believes to be inaccurate or incomplete, the amendment or correction desired and the reasons therefor. The individual should supply whatever information or documentation he can in support of his request for amendment or correction of a record.

(b) The Executive Secretary or his designee shall, within ten working days after its receipt, acknowledge a request for amendment or correction of a record. A decision shall be reached promptly and notification thereof provided to the individual seeking to amend or correct a record. The Executive Secretary may request such additional information or documentation as he may deem necessary to arrive at a decision upon

the request. If the request is granted, the record as amended shall be called to the attention of all prior recipients of the individual's record.

(c) If the request is denied, the individual shall be informed of the reasons therefor and his right to appeal the denial in writing to the Chairman of the Conference. The Chairman shall render a decision on an appeal within thirty working days following the date on which the appeal is received. The individual shall be notified promptly of the Chairman's decision and, if the appeal is denied, the reasons therefor and the individual's right to seek judicial review and his right to file a concise statement of disagreement, which statement shall be noted in the records to which it pertains and supplied to all prior and subsequent recipients of the disputed record. If an appeal is granted, the record as amended shall be called to the attention of all prior recipients of the individual's record.

(d) Requests for amendment or correction of a record must be accompanied by a signed notarized statement verifying the identity of the requesting party.

§ 304.24 Disclosure of a record to a person other than the individual to whom it pertains.

Except in accordance with 5 U.S.C. 552a(b), or as required by the Freedom of Information Act, 5 U.S.C. 552, as amended, or other applicable statute, the Conference shall not disclose a record to any individual other than the individual to whom the record pertains without the written consent of such individual. An accounting of the date, nature, and purpose of each disclosure of a record as well as the name and address of the person or agency to whom the disclosure was made will be maintained. This accounting will be made available to the individual to whom the record pertains upon the submission of a written, notarized request to the Executive Secretary.

§ 304.25 Schedule of fees.

Copies of records supplied to any individual at his request shall be provided for \$.10 per copy per page. Copying fees of less than \$2 per request are waived.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

TABULARY OF CONTENTS

ACIR—1 Audience mailing list.
ACIR—2 Financial accounts.
ACIR—3 Official personnel files.

ACIR—1

System name: Audience Mailing List—ACIR

System location: The system is maintained by a contractor at his place of business. Since the contractor may change from time-to-time, the system is administered by:

Assistant to the Executive Director, Advisory Commission on Intergovernmental Relations, 726 Jackson Place, NW, Washington, D.C. 20575

Categories of individuals covered by the system: The system contains individuals and organizations representing the executive and legislative sectors of all levels of government, community civic and business leaders, members of the academic community, and other individuals (both foreign and domestic) interested in government.

Categories of records in the system: Name of individual or organization, title, address. The individual is provided with functional codes up to five out of a possible 999 choices, five interest codes from a possible 99, and one publication (Privacy Act) code. Each entity is also assigned an identification number.

Authority for maintenance of the system: The Advisory Commission on Intergovernmental Relations Act, 42 U.S.C. 4271.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To mail commission reports, announcements, recommendations, as well as other information on government and intergovernmental relations produced by the Commission and others.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information in the system of records is maintained on keypunch cards and optical scanning sheets until entered into the master magnetic tape.

Retrievability: An individual report may be retrieved only by specific identification number assigned at the time it is placed in the system.

Safeguards: The physical master tapes are kept in locked, fireproof cabinets, in limited access facilities, in a guarded bank building. Access to the master tape for routine uses is restricted to the system manager and his assistant (two people) and requires 1043 OCR Key-punch-encoded information in proper sequential presentation.

Retention and disposal: The records are maintained until the recipient no longer classifies as important for ACIR retention. Updating is handled biennially at the minimum and is ongoing regularly. Disposal is handled by electronic erasure. All paperwork is destroyed when the record is entered into the master file.

System manager(s) and address: Assistant to the Executive Director, Advisory Commission on Intergovernmental Relations, 726 Jackson Place, NW, Washington, D.C. 20575.

Notification procedure: Same as the above. See Commission access regulations.

Record access procedures: Same as the above. See Commission access regulations.

Contesting record procedures: Same as the above. See Commission access regulations.

Record source categories: The individual record is created from individual responses, public and organizational directories, other mailing lists, and information obtained in the day-to-day operation of the Commission. The individual is notified at least biennially that he is on the system and has the right to be removed or to limit the use of his record by the Commission.

Systems exempted from certain provisions of the act: None.

ACIR—2

System name: Financial Accounts—ACIR.

System location: Advisory Commission on Intergovernmental Relations, 726 Jackson Place, NW, Washington, D.C. 20575

Categories of individuals covered by the system: Anyone having or entering into financial transactions with the Commission including employees, other individuals, and organizations.

Categories of records in the system: Contains all information regarding the financial transactions of the individual or organization

with the commission, including records of payments to or from said organizations and individuals, as well as those records that have a bearing on the amount of the transactions.

Authority for maintenance of the system: The Advisory Commission on Intergovernmental Relations Act, 42 U.S.C. 4271.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To check the validity of current financial transactions, an internal operation only.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In 8-1/2 by 11 inch manila files, in fireproof file cabinets, in federally protected, secured building.

Retrievability: Indexed by name and by financial transaction number

Safeguards: Federally secured building.

Retention and disposal: All records are maintained for three years in the ACIR offices, two years in the ACIR offices, two years in the ACIR warehouse or GSA Archives, and then they are destroyed.

System manager(s) and address: Accountant, Advisory Commission on Intergovernmental Relations, 726 Jackson Place, NW, Washington, D.C. 20575

Notification procedure: Assistant to the Executive Director, (address is same as above). See Commission access regulations.

Record access procedures: Same as above. See Commission access regulations.

Contesting record procedures: Same as above. See Commission access regulations.

Record source categories: The individual or organization upon whom the record is maintained.

Systems exempted from certain provisions of the act: None.

ACIR—3

System name: Official Personnel Files—ACIR.

System location: Advisory Commission on Intergovernmental Relations, 726 Jackson Place, NW, Washington, D.C. 20575

Categories of individuals covered by the system: Present and former members of the Commission and present and former employees of the Commission.

Categories of records in the system: General personnel information, including, among other data, applications, suggestions, position descriptions, request for and notification of personnel action, employee performance ratings and promotion appraisals, time and attendance records, security clearances, titles, salary, employment history, home address, age, marital status, SSN, home telephone number, resume, and letters of recommendation. System contains copies of Civil Service Commission and GSA personnel forms including SF 50, Notification of Personnel Action; SF 52, Request for Personnel Action; SF 171, Personnel Qualification Statement; etc.

Authority for maintenance of the system: The Advisory Commission on Intergovernmental Relations Act, 42 U.S.C. 4271.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement or a grievance, complaint, or appeal filed by an employee. A record of this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys pursuant to a power of attorney.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: Social Security Number and name.

Safeguards: Stored in guarded building; released to authorized personnel.

Retention and disposal: Retained indefinitely. Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Administrative Officer, Advisory Commission on Intergovernmental Relations, 726 Jackson Place, NW, Washington, D.C. 20575.

Notification procedure: See Commission access regulations.

Record access procedures: See Commission access regulations.

Contesting record procedures: See Commission access regulations.

Record source categories: The subject individual and the Commission.

Systems exempted from certain provisions of the act: None.

ADVISORY COMMITTEE ON FEDERAL PAY

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ACFP—1 General Financial Records

ACFP—2 Payroll Records

Appendix

ACFP—1

System name: General Financial Records—ACFP

System location: General Services Administration, Central Office; copies held by the ACFP. (GSA holds records for the ACFP under contract.)

Categories of individuals covered by the system: Committee employees and members.

Categories of records in the system: SF1038, Application and account for advance of funds; vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the ACFP who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally; also Pub. L. 91-656.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix following ACFP notices. Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys, pursuant to a power of attorney.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and tape.

Retrievability: Manual and automated by name.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: ACFP Staff Assistant, Suite 205, 1730 K Street, NW, Washington, D.C. 20006.

Notification procedure: Contact system manager listed above.

Record access procedures: Committee members, past or present, or employees, past or present, who desire access to their individual records in the custody of the ACFP or GSA should contact the Committee's Staff Assistant in writing. See Committee access regulations in 5 CFR Part 1401.

Contesting record procedures: Committee members, past or present, or employees, past or present, who desire to contest record procedures in the custody of the ACFP or GSA should contact the Committee's Staff Assistant in writing. See Committee record contest regulations in 5 CFR Part 1410.

Record source categories: The subject individual; the Committee.

ACFP—2

System name: Payroll Records—Advisory Committee on Federal Pay.

System location: General Services Administration, Region 3 Office; copies held by the ACFP. (GSA holds records for the Advisory Committee on Federal Pay under contract.)

Categories of records in the system: Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records; requests for deductions; tax forms, W-2 forms, overtime requests, leave data; retirement records. Records are used by the ACFP and GSA employees to maintain adequate payroll information for ACFP employees, and otherwise by the ACFP and GSA employees who have a need for the records in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally. Also, Pub. L. 91-656.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix. Records are also disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compen-

sation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Staff Assistant, Advisory Committee on Federal Pay, Suite 205, 1730 K Street, NW, Washington, D.C. 20006. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Staff Assistant.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with Section 7 of the Privacy Act, Pub. L. 93-579.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: Social Security Number.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Staff Assistant, Advisory Committee on Federal Pay, Suite 205, 1730 K Street, NW, Washington, D.C. 20006.

Notification procedure: Refer to ACFP access regulations contained in 5 CFR Part 1410.

Record access procedures: Refer to ACFP access regulations contained in 5 CFR Part 1410.

Contesting record procedures: Refer to ACFP access regulations contained in 5 CFR Part 1410.

Record source categories: The subject individual; the Committee.

APPENDIX—Advisory Committee on Federal Pay.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system or records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation or an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement or a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular

No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

Title 5-Administrative Personnel

Chapter IV-Advisory Committee on Federal Pay

PART 1410—RULES AND REGULATIONS TO IMPLEMENT THE PRIVACY ACT OF 1974

Sec.

- 1410.1 Purpose and scope.
- 1410.2 Definitions.
- 1410.3 Procedures for access of an individual to his or her own records in a record system.
- 1410.4 Times, places and requirements for the identification of the individual making a request.
- 1410.5 Grant to an individual of access to his or her own records.
- 1410.6 Access to the accounting of disclosures from records.
- 1410.7 Request for correction or amendment to the record.
- 1410.8 Agency review of request for correction or amendment of the record.
- 1410.9 Appeal of an initial adverse agency determination on correction or amendment of the record.
- 1410.10 Disclosure of record to a person other than the individual to whom the record pertains.
- 1410.11 Fees.

Authority: Pub. L. 93-579; 5 U.S.C. 552a.

Source: 42 FR 2299, Jan. 11, 1977, unless otherwise noted.

§ 1410.1 Purpose and scope.

The purposes of these regulations are to:

(a) Establish a procedure by which an individual can determine if the Advisory Committee on Federal Pay (hereafter known as the Committee) maintains a system of records which includes a record pertaining to the individual; and

(b) Establish a procedure by which an individual can gain access to a record pertaining to him or her for the purpose of review, amendment and/or correction.

§ 1410.2 Definitions.

For the purpose of these regulations—

(a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) The term "maintain" includes maintain, collect, use or disseminate;

(c) The term "record" means any item, collection or grouping of information about an individual that is maintained by the Committee, including but not limited to, his or her employment history, payroll information, and financial transactions and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as social security number;

(d) The term "system of records" means a group of any records under the control of the Committee from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual; and

(e) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 1410.3 Procedures for access of an individual to his or her own records in a record system.

An individual shall submit a request to the Administrative Assistant of the Committee, Suite 205, 1730 K Street NW, Washington, D.C. 20006, in person or in writing, to determine if a system of records named by the individual contains a record pertaining to the individual, or if the Committee maintains any systems of records which pertain to the individual. The individual shall submit a request to the Administrative Assistant of the Committee which states the individual's desire to review his or her record. Individuals who require assistance in identifying systems of record, or in preparing requests identifying systems of record for access, or who need assistance in requesting amendments, may address such requests to the Administrative Assistant of the Committee, Suite 205, 1730 K Street NW, Washington, D.C. 20006.

§ 1410.4 Times, places and requirements for the identification of the individual making a request.

An individual making a request to the Administrative Assistant of the Committee pursuant to § 1410.3 shall present the request at the Committee offices, Suite 205, 1730 K Street NW, Washington, D.C. 20006, on any business day between the hours of 8:15 a.m. and 4:45 p.m., or in writing. The individual submitting the request should present himself or herself at the Committee's offices with a form of identification which will permit the Committee to verify that the individual is the same individual as contained in the record requested, such as a valid driver's permit, employee identification card, or Medicare card, or a signed statement from the individual asserting his or her identity and stipulating that he or she understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to \$5,000. If the individual seeks access by mail, the Committee will require

similar identification as required of those persons requesting access to records in person, or by identifying data such as name, date of birth, or system personal identifier (if known to the individual). Requests for access to systems of record will be acknowledged within ten days of receipt. The acknowledgement will indicate whether or not access can be granted and, if so, that it will be within a 30-day period unless, for good cause shown, the Committee is unable to do so.

§ 1410.5 Grant to an individual of access to his or her own records.

Upon verification of identity either in person or in written form to the Administrative Assistant of the Committee, Suite 205, 1730 K Street NW, Washington, D.C. 20006, and in accordance with the identification provisions of § 1410.4, the Committee shall grant access to the individual the information contained in the record which pertains to that individual. The individual may be accompanied for the purpose by a person of his or her choosing. Upon request of the individual to whom the record pertains, all information in the accounting of disclosures will be made available. If, for any unforeseen circumstances, or in an unusual situation when it may be necessary to deny a person access, the individual will be advised of the reasons therefor, and his or her right to judicial review under 5 U.S.C. 552a(f)(4).

§ 1410.6 Access to the accounting of disclosures from records.

The Privacy Act requires that with some limited exceptions individuals may request access to a list of those to whom records about them have been disclosed. Individuals seeking access to the accounting of disclosures from records pertaining to them should follow the same procedures as established above for access to the records themselves (see §§ 1410.3, 1410.4, 1410.5).

§ 1410.7 Request for correction or amendment to the record.

The individual should submit a request to the Administrative Assistant of the Committee which states the individual's desire to correct or to amend his or her record. This request is to be made in accord with the provisions of § 1410.4.

§ 1410.8 Agency review of request for correction or amendment of the record.

Within ten working days of the receipt of the request to correct or to amend the record, the Administrative Assistant of the Committee will acknowledge in

writing such receipt and promptly either—

(a) Make any correction or amendment or any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(b) Inform the individual of his or her refusal to correct or to amend the record in accordance with the request, the reason for the refusal, and the procedures established by the Committee for the individual to request a review of that refusal. Corrections or amendments will be sent to prior recipients of the record in question, to the extent that the Committee has an accounting of the disclosure of the record of that information.

§ 1410.9 Appeal of an initial adverse agency determination on correction or amendment of the record.

An individual who disagrees with the refusal of the Administrative Assistant

of the Committee to correct or to amend his or her record may submit a request for a review of such refusal to the Chairman of the Advisory Committee on Federal Pay, Suite 205, 1730 K Street NW, Washington, D.C. 20006. The Chairman will, not later than thirty working days from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the Chairman extends such thirty day period. If, after his or her review, the Chairman also refuses to correct or to amend the record in accordance with the request, the individual may file with the Committee a concise statement setting forth the reasons for his or her disagreement with the refusal of the Committee and may seek judicial review of the Chairman's determination under 5 U.S.C. 552a(g)(1)(A). A copy of the corrected record or statement of dispute will be provided to prior recipients of the

information in question, to the extent that the Committee has an accounting of the disclosure of that information.

§ 1410.10 Disclosure of record to a person other than the individual to whom the record pertains.

The Committee will not disclose a record to any individual other than to the individual to whom the record pertains without receiving the prior written consent of the individual to whom the record pertains, except as required or permitted under 5 U.S.C. 552a(b).

§ 1410.11 Fees.

If an individual requests copies of his or her record, he or she shall be charged ten cents per page for any copying charges in excess of \$25. In cases of indigency, the Committee may waive such fees. In cases where copying charges exceed \$25, advance payment will be required.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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 ACHP-4 Candidates' Applications for Training at International Center, Rome.

ACHP-1

System name:

Employee Personnel Data Files—Advisory Council on Historic Preservation.

Note: This system is covered by the Office of Personnel Management Governmentwide System, OPM/GOVT-1, 45 FR 78415, Nov. 25, 1980.

System location:

Department of the Interior (DOI), Office of the Secretary, Washington, D. C. 20240. Copies held by ACHP (DOI holds the Council's official records under contract).

ACHP-2

System name:

Member Personnel Data Files—Advisory Council on Historic Preservation.

Note: This system is covered by the Office of Personnel Management Governmentwide System, OPM/GOVT-1, 45 FR 78415, Nov. 25, 1980.

System location: Advisory Council on Historic Preservation, 1522 K Street, NW, Washington, D. C. 20005.

ACHP-3

System name:

Member and Employee Confidential Statements of Employment and Financial Interest.

Note: This system is covered by the Office of Personnel Management Governmentwide System, OPM/GOVT-8, 45 FR 78427, Nov. 25, 1980, and OPM/GOVT-4, 45 FR 78420, Nov. 25, 1980.

System location:

Advisory Council on Historic Preservation, 1522 K Street, NW, Washington, D. C. 20005.

ACHP-4

System name:

Candidates' Applications for Training at International Center, Rome.

System location:

Advisory Council on Historic Preservation, 1522 K Street NW, Washington, D.C. 20005.

Categories of individuals covered by the system:

Individual applicants.

Categories of records in the system:

Biographical data, resumes, curriculum vitae.

Authority for maintenance of the system:

16 U.S.C. 470n, 5 U.S.C. 301.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Files are kept by the Staff Assistant to the Executive Director.

Retrievability:

Records are indexed by surname.

Safeguards:

Stored in file cabinets of the Staff Assistant to the Executive Director; released only to authorized personnel.

Retention and disposal:

Records are destroyed seven years after application is received.

System manager and address:

Staff Assistant to the Executive Director, 1522 K Street NW, Washington, D.C. 20005.

Notification procedure:

Contact the Staff Assistant to the Executive Director.

Record access procedures:

Contact the Staff Assistant to the Executive Director.

Contesting record procedures:

Contact the Staff Assistant to the Executive Director.

Record source categories:

All candidates applying for training at the International Center, Rome.

AFRICAN DEVELOPMENT FOUNDATION

Notice of Systems of Records, Preliminary Statement

Official Personnel Files

Official personnel files of Federal employees in the General Schedule in the custody of ADF are considered the property of OPM. Access to such files shall be in accordance with such notices as are published by OPM. Access to such files in the custody of ADF will be granted to individuals to whom such files pertain upon request to the Personnel Officer, ADF, Suite 600, 1625 Massachusetts Avenue, NW., Washington, DC 20036.

Various ADF offices maintain files which contain miscellaneous copies of personnel material affecting ADF employees. This includes copies of standard personnel forms, evaluation forms, etc. These files are kept only for immediate office reference use and are considered by the Foundation to be part of the personnel file system. ADF's internal regulations provide that such information is part of the general personnel files and can only be disclosed through the Director of Personnel in order to ensure that any material disclosed is relevant, material, current, and fair to the individual employee. It is also ADF policy to limit the use of such files and to encourage the destruction of as many as possible.

Security Classification

None of the files maintained by ADF contain classified information.

Statement of General Routine Uses

The following general routine uses are incorporated by this reference into each system of records set forth herein, unless such incorporation is specifically limited in the system description.

1. In the event that a record in a system of records maintained by ADF indicates any violation or potential violation of the law, whether civil, criminal or regulatory in nature, and whether arising by statute, or by regulation, rule or order issued pursuant thereto, the relevant record in this system of records may be referred as a routine use to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto. Such referral shall also include and be deemed to authorize any and all appropriate and necessary uses of such records in a court of law or before an administrative board or hearing.

2. A record may be disclosed as a routine use to designated officers and employees of other agencies and departments of the Federal Government having an interest in the individual for employment purposes, including the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract, or the issuance of license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter involved.

3. Routine Use for Disclosure to the Department of Justice for Use in Litigation:

It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when

- (a) The agency, or any component thereof; or
- (b) Any employee of the agency in his or her official capacity; or
- (c) Any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or
- (d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components,

is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

Routine Use for Agency Disclosure in Litigation

It shall be a routine use of records maintained by this agency to disclose them in a proceeding before a court or adjudicative body before which the agency is authorized to appear, when

- (a) The agency, or any component thereof; or
- (b) Any employee of the agency in his or her official capacity; or
- (c) Any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or
- (d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components,

is a party to litigation or has an interest in such litigation, and the agency determines that use of such records is relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

4. Information from records systems may be disclosed to any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.

5. Information in any system of records may be disclosed to a Congressional office, in response to an inquiry from the office, made at the request of the individual to whom the record pertains.

6. Any record from any system of records may be disclosed as a routine use to the National Archives and Records Administration, General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

7. Information from records systems may be released to auditors in the conduct of an audit of ADF operations or accounts, but only to the extent it is relevant and necessary to the conduct of the audit.

Location of Files

All files are located in the office indicated under "System Location" at ADF headquarters in Suite 600, 1625 Massachusetts Ave. NW., Washington, DC 20036.

Notification

Individuals may inquire whether any system contains information pertaining to them by addressing the Director of Administration and Finance in person or in writing. If in writing, such request should include the individual's name and address, social security number, and any relevant data concerning the information sought which will assist in identifying the record. ADF may require that the individual furnish the Foundation with additional information to assure that he or she is properly identified.

Access and Contest

In response to a request by an individual, the Director of Administration and Finance shall arrange for access to the requested record, or advise the requester if no such record exists. If an individual wishes to contest the content of any record, he/she may do so by addressing a written request to the Director of Administration and Finance, Suite 600, 1625 Massachusetts Ave., NW., Washington, DC 20036. The Director will provide all necessary information regarding such contest and appeal.

ADF 1

System name:

Employee Pay and Leave Records.

System location:

Office of Administration and Finance.

Categories of individuals covered by the system:

Current and former employees of ADF.

Categories of records in the system:

Records of current personnel status, amounts of pay, hours worked, leave accrued, allotments authorized, and benefits paid by the Government.

Authority for maintenance of the system:

GAO Policy and Procedures Manual, 31 U.S.C. 3512; and the Budget and Accounting Procedures Act of 1950.

Purpose(s):

This system was established to record moneys paid, allotments authorized, leave earned and used, and retirement benefits accrued.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in these records are routinely provided as follows:

1. To the Federal Agency designated through inter-agency agreement to perform payroll services for ADF. The Department of Energy is currently performing this function.

2. Through the Department of Energy, to the Treasury for payroll and savings bonds and other deduction purposes; to the Internal Revenue Service with regard to tax matters; and to participating insurance companies holding policies with respect to ADF employees.

3. General routine uses listed in the Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Pay and leave records are maintained in looseleaf binders in metal file cabinets with key locks. Individual Time and Attendance records are maintained by the Personnel Officer in a separate metal file cabinet with a key lock. Microfiche pay and leave records are maintained in a Microfiche index which is kept in a metal file cabinet with a key lock.

Retrievability:

Records are indexed in alphabetical order by pay period.

Safeguards:

Access to data in this system is restricted to ADF and Department of Energy staff, including employees, interns, consultants and contractors, with a need to know in connection with the performance of their official duties.

Retention and disposal:

Records in this system are maintained for three years after the end of the fiscal year in which an employee terminates employment with ADF, and then retired to the Federal Records Center. The Time and Attendance sheets are maintained for three years and then destroyed.

System manager(s) and address:

Director of Administration and Finance, Suite 600, 1625 Massachusetts Ave. NW., Washington, DC 20036.

Notification procedure:

See the Notification paragraph in the Preliminary Statement in this notice.

Record access procedures:

See the Access and Contest paragraph in the Preliminary statement.

Contesting record procedures:

Same as "Record Access Procedures".

Record source categories:

ADF employees and the individual to whom the record pertains.

ADF 2

System name:

Locator files.

System location:

Office of the President and at agencywide desk top word processors.

Categories of individuals covered by the system:

Members of the ADF Board of Directors and Advisory Council, American Ambassadors and AID Mission Directors in Africa, ADF staff and personal services contractors, and press contacts.

Categories of records in the system:

These files contain names and current addresses and phone numbers.

Authority for maintenance of the system:

The African Development Foundation Act, 22 U.S.C. 290h et seq.

Purpose(s):

The purpose of this system is to enable ADF to contact individuals whose names are on file either in writing or by phone.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The contents of these files are used by ADF staff, consultants and contractors to contact individuals whose names are in the file in connection with official ADF business. Information in the file is also available for routine uses 2 through 6 listed in the above Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are stored in disk packs with floppy diskette backup. These are filed and maintained in metal cabinets with key locks.

Retrievability:

Records in these files are maintained in alphabetical order.

Safeguards:

Access to the data in the files is through the use of a password. Only those with a need for the information in the files in connection with their regular duties have the password.

Retention and disposal:

Information in this file is kept current. Names and addresses of officials who no longer hold positions noted under "Categories of Individuals" above are purged from the system.

System manager(s) and address:

Executive Assistant to the President, Suite 600, 1625 Massachusetts Ave. NW., Washington, DC 20036.

Notification procedure:

See the Notification paragraph in the Preliminary Statement above.

Record access procedures:

See the Access and Contest paragraph in the Preliminary Statement.

Contesting record procedures:

Same as "Record Access Procedures".

Record source categories:

Information contained in the system is obtained from the individuals listed in the system.

ADF 3

System name:

Mailing List.

System location:

Office of the President, ADF, Suite 600, 1625 Massachusetts Ave. NW., Washington, DC 20036.

Categories of individuals covered by the system:

Academics; Federal, state, and local government employees; officials in private voluntary and religious organizations involved in overseas development; officers of corporations and financial institutions doing business in Africa, librarians, media people, and other individuals having an interest in, and/or a need to know information about grassroots development in Africa.

Categories of records in the system:

Names and current addresses.

Authority for maintenance of the system:

The African Development Foundation Act, 22 U.S.C. 290h et seq.

Purpose(s):

This system is maintained as an up to date mailing list for ADF publications.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The names and addresses maintained in this system allow the Foundation to carry out its purpose of disseminating information about grassroots development in Africa through the mailing of publications to persons and institutions involved in development and/or African affairs, both at the academic and practical level. Employees, interns, consultants and contractors having a need for the information in the course of updating the list or mailing the publications have access to it. Since mailing services are provided routinely through an outside contractor, that contractor and its employees will have periodic access to the system in order to prepare mailing labels. Information in the system is also subject to routine uses 2 through 6 as listed above in the Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The information is stored on magnetic tape with a backup. The tapes are stored on the premises of the firm which has the mailing contract with ADF in a room designated as a tape library. Two hard copy printouts of the tapes are retained by ADF in metal cabinets with key locks.

Retrievability:

The records are maintained in alphabetical order.

Safeguards:

Records are being maintained by the contractor so as to permit access only to employees who have a need to know in connection with the provision of services under the contract. Similarly, access to the hard copies maintained by the Foundation is limited to ADF employees, interns, consultants with a need to know in connection with their duties.

Retention and disposal:

The records are updated semi-annually and obsolete names and/or addresses are deleted.

System manager(s) and address:

Executive Assistant to the President, ADF, Suite 600, 1625 Massachusetts Ave. NW., Washington, DC 20036

Notification procedure:

See the Notification paragraph in the above Preliminary Statement.

Record access procedures:

See the Access and Contest paragraph in the Preliminary Statement.

Contesting record procedures:

Same as "Record Access Procedures".

Record source categories:

Some of the names and addresses of firms and individuals involved in grassroots development were furnished by the Agency for International Development. Others came from ADF employees, and the remainder were furnished by the individuals listed in the system.

ADF 4**System name:**

Paid Voucher Files.

System location:

Office of Administration and Finance.

Categories of individuals covered by the system:

Employees, contractors, vendors, suppliers, consultants and grantees who have received payment from ADF.

Categories of records in the system:

These records include paid vouchers, purchase orders, contracts, travel orders, and other obligating documents.

Authority for maintenance of the system:

The African Development Foundation Act, 22 U.S.C. 290h et seq.; The Budget and Accounting Act of 1921; Accounting and Auditing Act of 1950; and the Federal Claims Collection Act of 1966.

Purpose(s):

The purpose of this system is to maintain a record of all payments made by ADF pursuant to purchase orders, contracts, grants and other obligating documents.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records are used by ADF staff and contractors to determine amounts to be paid, verify administrative authorizations and eligibility for payment, ensure that payments are made promptly and accurately, confirm costs, and ensure accuracy of accounting information. Other routine uses would be those listed in the above Preliminary Statement. The information is used by ADF employees, consultants, and contractors who have a need for the information in connection with the performance of their official duties.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Records are stored in metal filing cabinets with key locks.

Retrievability:

Records are filed by fiscal year, alphabetically by the last name of the payee.

Safeguards:

Records are available only to appropriate Administration and Finance personnel and other appropriate ADF officials with the need for such records in the performance of their duties.

Retention and disposal:

Records are held for three years and retired to the Federal Records Center.

System manager(s) and address:

Director, Administration and Finance, African Development Foundation, Suite 600, 1625 Massachusetts Ave. NW., Washington, DC 20036.

Notification procedure:

See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures:

See the Access and Contest paragraph in the Preliminary Statement.

Contesting record procedures:

Same as "Record Access Procedures".

Record source categories:

Data is obtained from documents provided by the individual or the vendor.

ADF 5**System name:**

Procurement/Contracting.

System location:

Office of Administration & Finance.

Categories of individuals covered by the system:

All vendors, both companies and individuals, with whom ADF does or has done business, as well as organizations and individuals with whom the Foundation may wish to do business in the future. Included are the records pertaining to vendors, contractors, and consultants.

Categories of records in the system:

The system consists of purchase orders and contracts, as well as resumes and SF 171's, and invoices from contractors, vendors and consultants.

Authority for maintenance of the system:

48 CFR Ch. 1, subpart 4.8 (the Federal Acquisition Regulations), the African Development Foundation Act, 22 U.S.C. 290h et seq.

Purpose(s):

Information in the system is used to: (1) Provide a complete background as a basis for informed decisions at each step in the acquisition process; (2) support actions taken; (3) provide information for reviews and investigations; (4) provide information on which to base future procurement decisions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosures may be made to ADF employees, contractors, consultants, and interns, performing services for ADF at ADF headquarters, with a need to know in order to make informed recommendations or decisions, or take actions, with regard to the procurement of goods or services.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Files are maintained in folders in metal file cabinets with key locks.

Retrievability:

Records are indexed alphabetically by fiscal year.

Safeguards:

Information from records is only available to ADF staff who have a need to know in the performance of their official duties, and is usually provided through the Contracting Officer or, in his/her absence, the Director of Administration and Finance.

Retention and disposal:

Records are retained for three years and then reviewed, and either destroyed or forwarded to the Federal Record Center.

System manager(s) and address:

Contract Officer, Office of Administration and Finance, ADF, Suite 600, 1625 Massachusetts Avenue NW., Washington, DC 20036.

Notification procedure:

See the Notification paragraph in the Preliminary Statement in this notice.

Record access procedures:

See the Access and Contest paragraph in the Preliminary Statement.

Contesting record procedures:

Same as "Record Access Procedures".

Record source categories:

Data is obtained from documents provided by the individual or vendor and, on occasion, by other organizations within or without the Government who may have done business with the individual or organization.

ADF 6**System name:**

Security Files.

System location:

Office of Administration & Finance.

Categories of individuals covered by the system:

Past and present ADF employees and applicants for employment from 1988 onwards.

Categories of records in the system:

These records contain investigative information regarding an individual's character, conduct, behavior in the community; arrests and convictions for any violations of the law; reports of interviews with former supervisors, co-workers, associates, educators, etc., reports

about the qualifications of an individual for a specific position; reports of inquiries to law enforcement agencies, former employers, educational institutions attended; and other similar information developed from the above.

Authority for maintenance of the system:

Executive Order 10450, and Federal Personnel Manual, Chapters 731, 732, and 736. In addition, there are various acts of Congress relating to personnel investigations authorizing the same by the Office of Personnel Management, which responsibility can, under Civil Service regulations and law, be delegated in whole or in part to agencies.

Purpose(s):

This system was established to keep on record information used to determine eligibility or suitability for employment.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The contents of these records may be disclosed and used as follows: 1. To the Office of Personnel Management as part of the central OPM personnel investigation records system; 2. to the Foundation's Security Officer and the President of the Foundation for the purposes of making employment suitability and eligibility determinations; and 3. subject to the general routine uses listed in the above Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Investigative folders are maintained in a fireproof, combination lock safe in a room accessible only to authorized personnel.

Retrievability:

Records are indexed in alphabetical order.

Safeguards:

Access to the records in this system is restricted to the Foundation Security Officer (the Personnel Officer) and the President, and to the General Counsel of ADF on a need to know basis.

Retention and disposal:

System manager(s) and address:

Personnel Security Officer (Personnel Officer), Office of Administration & Finance, African Development Foundation, Suite 600, 1625 Massachusetts Avenue NW., Washington, DC 20036

Notification procedure:

See the Notification paragraph in the Preliminary Statement in this notice.

Record access procedures:

See the Access and Contest paragraph in the Preliminary Statement in this notice.

Contesting record procedures:

Same as "Record Access Procedure".

Record source categories:

Information contained in this system is obtained from the following categories of sources: 1. Applications and other forms and information furnished by the individual. 2. By personal investigation or written inquiry from such sources as employers, schools, references, neighbors, associates, police departments, courts, credit bureaus, medical records, probation officials, prison officials and other sources as may be developed.

ADF 7

System name:

Travel Advance Records.

System location:

Office of Administration and Finance.

Categories of individuals covered by the system:

Any ADF employees, experts, consultants, contractors or others who have engaged in authorized official travel for ADF.

Categories of records in the system:

Manual and automated records of travel advances made to employees, consultants and others, and records of repayment or liquidation of such advances.

Authority for maintenance of the system:

The African Development Foundation Act, 22 U.S.C. 290h et seq.; the Budget and Accounting Act of 1921; the Accounting and Auditing Act of 1950; the Federal Claim Collection Act of 1966.

Purpose(s):

This system is maintained to provide a record to account for and issue payments due as the result of authorized official ADF travel; and for audit purposes to account for the expenditure of Federal funds.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To ADF employees, interns, consultants, and contractors in the office of Administration and Finance, and senior management personnel who require access in the performance of their official duties.

2. To the Federal Agency which is performing accounting services for ADF pursuant to inter-agency agreement, in this case the National Transportation Safety Board, in the event of a problem with the accounting system which requires the examination of individual transactions.

3. Subject to the routine uses listed in the above Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual records are kept in key locked metal filing cabinets. Automated records are on hard disks in the computer accessible only by password available to employees of the Office of Administration and Finance and NSTB employees responsible for systems maintenance.

Retrievability:

Manual records are maintained alphabetically by name. The automated records are maintained by social security number.

Safeguards:

Records are available to only those with a need to know in connection with the performance of their duties. The records are accessible through the use of a password kept by the Director of Administration and Finance. It is changed every six months by the Director of Administration and Finance.

Retention and disposal:

Records in the system are maintained for one year after the individual leaves the Foundation.

System manager(s) and address:

Director of Administration and Finance, Suite 600, 1625 Massachusetts Ave. NW., Washington, DC 20036.

Notification procedure:

See the Notification paragraph in the above Preliminary Statement.

Record access procedures:

See the Access and Contest paragraph in the Preliminary Statement.

Contesting record procedures:

Same as "Record Access Procedures".

Record source categories:

Information is furnished by the individual traveler, supervisors, or other ADF staff.

AFRICAN DEVELOPMENT FOUNDATION

22 CFR PART 1507—RULES SAFEGUARDING PERSONAL INFORMATION

Sec.

- 1507.1 Purpose.
- 1507.2 General policies.
- 1507.3 Definitions.
- 1507.4 Conditions of disclosure.
- 1507.5 Accounting for disclosure of records.
- 1507.6 Access to records.
- 1507.7 Contents of record systems.
- 1507.8 Fees.
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- 1507.10 Exemptions.
- 1507.11 Mailing list.
- 1507.12 Criminal penalties.
- 1507.13 Reports.

Authority: 5 U.S.C. 522a.

Source: 53 FR 40411, Oct. 17, 1988.

§ 1507.1 Purpose.

The purpose of this part is to set forth the basic policies of the African Development Foundation ("the Foundation" or "ADF") governing the maintenance of systems of records containing personal information as defined in the Privacy Act of 1974 (5 U.S.C. 552a).

§ 1507.2 General policies.

It is the policy of the Foundation to safeguard the right of privacy of any individual as to whom the Foundation maintains personal information in any records system, and to provide such individuals with appropriate and complete access to such records, including adequate opportunity to correct any errors in said records. It is further the policy of the Foundation to maintain its records in such a fashion that the information contained therein is, and remains, material and relevant to the purposes for which it is collected. Information in such records will be collected, maintained, used or disseminated in a manner that assures that such action is for a necessary and lawful purpose, and that adequate safeguards are provided to prevent misuse of such information. Exemptions from records requirements provided in 5 U.S.C. 552a will be permitted only where an important public policy need for such exemptions has been determined pursuant to specific statutory authority.

§ 1507.3 Definitions.

(a) "Record" means any document, collection, or grouping of information about an individual maintained by the Foundation, including but not limited to information regarding education, financial transactions, medical history, criminal or employment history, or any other personal information which

contains the name or personal identification number, symbol, photograph, or other identifying particular assigned to such individual, such as a finger or voiceprint.

(b) "System of Records" means a group of any records under the control of the Foundation from which information is retrieved by use of the name of an individual or by some identifying particular assigned to the individual.

(c) "Routine Use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(d) The term "Foundation" means the African Development Foundation or any component thereof.

(e) The term "individual" means any citizen of the United States or an alien lawfully admitted to permanent residence.

(f) The term "maintain" includes the maintenance, collection, use or dissemination of any record.

(g) The term "Act" means the Privacy Act of 1974 (5 U.S.C. 552a) as amended from time to time.

§ 1507.4 Conditions of disclosure.

The Foundation will not disclose any record contained in a system of records by any means of communication to any person or any other agency except by written request or prior written consent of the individual to whom the record pertains or his or her agent or attorney, unless such disclosure is:

(a) To those officers and employees of the Foundation who have a need for the records in the official performance of their duties;

(b) Required under the Freedom of Information Act (5 U.S.C. 552);

(c) For a routine use of the record compatible with the purpose for which it was collected;

(d) To the Bureau of the Census for purpose of planning or carrying out a census or survey or related activity pursuant to Title 13, United States Code;

(e) To a recipient who has provided the Foundation with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred to a form that is not individually identifiable;

(f) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the U.S. Government, or for evaluation by the Administrator of General Services, or designee, to determine whether the record has such value;

(g) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Foundation specifying the particular portion desired and the law enforcement activity for which the record is sought;

(h) To a person, pursuant to a showing of compelling circumstances affecting the health or safety of an individual, if, promptly following such disclosure, notification is transmitted to the last known address of the individual to whom the record pertains;

(i) To either House of Congress, or, to the extent of matters within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(j) To the Comptroller General, or any authorized representative, in the course of the performance of the duties of the General Accounting Office; or

(k) Pursuant to the order of a court of competent jurisdiction. If any record disclosed under compulsory legal process is subsequently made public by the court which issued it, the Foundation must make a reasonable effort to notify the individual to whom the record pertains of such disclosure.

(l) To consumer reporting agencies as defined in 31 U.S.C. 370(a)(3) in accordance with 31 U.S.C. 3711, and under contracts for collection services as authorized in 31 U.S.C. 3718.

§ 1507.5 Accounting for disclosure of records.

(a) With respect to each system of records under ADF control, the Foundation will keep an accurate accounting of routine disclosures, except those made to employees of the Foundation in the normal course of duties or pursuant to the provisions of the Freedom of Information Act. Such accounting shall contain the following:

(1) The date, nature and purpose of each disclosure, and the name and address of the person or agency to whom the disclosure is made;

(2) Sufficient information to permit the construction of a listing of all disclosures at appropriate periodic intervals; and

(3) The justification or basis upon which any release was made including any written documentation required.

(b) The Foundation will retain the accounting made under this section for at least 5 years or the life of the record,

whichever is longer, after the disclosure for which the accounting is made.

(c) Except for disclosure made under paragraph (g) of § 1503.3, the Foundation will make the accounting under paragraph (a) of this section available to the individual named in the record at his or her request.

(d) The Foundation will inform any person or other agency about any correction or notation of dispute made by the agency of any record that has been disclosed to the person or agency if an accounting of the disclosure was made.

§ 1507.6 Access to records.

(a) Except as otherwise provided by law or regulation, any individual, upon request made either in writing or in person during regular business hours, shall be provided access to his or her record or to any information pertaining to him or her which is contained in a system of records maintained by the Foundation. The individual will be permitted to review the record and have a copy made of all or any portion thereof in a form comprehensible to him or her. Nothing in 5 U.S.C. 552a, however, allows an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

(b) An individual will be notified, upon request, if any Foundation system of records contains a record pertaining to him or her. Such request may be made in person during regular business hours, or in writing over the signature of the person making the request. Individuals requesting the information will be required to identify themselves by providing their names, addresses, and a signature. If they are requesting disclosure in person, they are also required to show an identification card, such as a drivers license, containing a photo and a sample signature. If the request is received through the mail, the Foundation may request such information as may be necessary to assure that the requesting individual is properly identified. This may include a requirement that the request be notarized with a notation that the notary received an acknowledgement of identity from the requester.

(c) A record may be disclosed to a representative of the person to whom a record relates when the representative is authorized in writing by such person to have access.

(d) Requests for access to or copies of records should contain, at a minimum, identifying information needed to locate any given record, and a brief description of the item or items of information required. If the individual wishes access

to specific documents, the request should identify or describe, as nearly as possible, such documents. The request should be made to the Director, Administration and Finance, African Development Foundation, 1625 Massachusetts Avenue NW., Suite 600, Washington, DC 20036. Personal contacts should normally be made during the regular duty hours of the officer concerned, which are 8:30 a.m. to 5:00 p.m. Monday through Friday.

(e) A request made in person will be promptly complied with if the records sought are in the immediate custody of the Foundation. Mail or personal requests for documents which are not in the immediate custody of ADF or which are otherwise not immediately available, will be acknowledged within ten working days of receipt, and the records will be provided as promptly thereafter as possible.

(f) Special procedures may be established by the President of the Foundation governing the disclosure to an individual of his or her medical records, including psychological records.

(g) Any individual may request the Director, Administration and Finance, to amend any Foundation record pertaining to him or her. Not later than 10 working days after the date of receipt of such request, the Director, Administration and Finance, or his/her designee, will acknowledge such receipt in writing. Promptly after acknowledging receipt of a request, the Director, Administration and Finance or his/her designee will:

(1) Correct any portion of the record which the individual believes is not accurate, relevant, timely, or complete; or

(2) Inform the individual of the Foundation's refusal to amend the record in accordance with the request, the reason for the refusal, the procedures by which the individual may request a review of that refusal by the President of the Foundation, or his/her designee, and the name and address of such official; or

(3) Refer the request to the agency that has control of and maintains the record when the record requested is not the property of the Foundation, but of the controlling agency.

(h) Any individual who disagrees with the refusal of the Director, Administration and Finance to amend his or her record may request a review of that refusal. Such request for review must be made within 30 days after receipt by the requester of the initial refusal to amend. The President of the Foundation, or designee, will complete such review not later than 30 working days from the date on which the

individual requests such review, and make a final determination, unless for good cause shown, the President or designee extends such 30-day period and notifies the requester in writing that additional time is required to complete the review. If, after review, the President or designee refuses to amend the record in accordance with the request, the individual will be advised of the right to file with the Foundation a concise statement setting forth the reasons for his or her disagreement with the refusal, and also advised of the provisions in the Act for judicial review of the President's determination.

(i) In any disclosure containing information about which the individual has filed a statement under paragraph (g) of this section, the Foundation will clearly note any part of the record which is disputed and provide copies of the statement and, if the Foundation deems it appropriate, copies of a concise statement of the Foundation's reasons for not making the amendment requested, to persons or other agencies to whom the disputed record has been disclosed.

§ 1507.7 Contents of records systems.

(a) The Foundation will maintain in its records only such information about an individual as is accurate, relevant, and necessary to accomplish the purpose for which it was acquired as authorized by statute or Executive Order.

(b) The Foundation will collect information, to the greatest extent practicable, directly from the individual to whom the record pertains when the information may result in adverse determinations about the individual's rights, benefits and privileges under Federal programs.

(c) The Foundation will inform each individual whom it asks to supply information on any form which it uses to collect the information, or on a separate form that can be retained by the individual, of:

(1) The authority which authorizes the solicitation of the information and whether provision of such information is mandatory or voluntary;

(2) The purpose or purposes for which the information is intended to be used;

(3) The routine uses which may be made of the information, as published pursuant to paragraph (d) of this section; and

(4) The effects on the individual, if any, of not providing all or any part of the requested information.

(d) Subject to the provisions of paragraph (k) of this section, the Foundation will publish in the **Federal Register**, at least a notice of the

existence and character of its system(s) of records upon establishment or revision. This notice will include:

- (1) The name and location of the system or systems;
- (2) The categories of individuals on whom records are maintained in the system or systems;
- (3) The categories of records maintained in the system or systems;
- (4) Each routine use of the records contained in the system or systems, including the categories of users, and the purpose of such use;

(5) The policies and practices of the Foundation regarding storage, retrievability, access controls, retention, and disposal of the record;

(6) The title and business address of the Foundation official or officials responsible for the system or systems of records;

(7) The Foundation's procedure whereby an individual can be notified at his or her request if the system or systems of records contains a record pertaining to him or her;

(8) The Foundation's procedures whereby an individual can be notified at him or her request how he or she can gain access to any record pertaining to him or her contained in the system or systems of records, and how he or she can contest its content; and

(9) The categories of sources of records in the system or systems.

(e) All records used by the Foundation in making any determination about any individual will be maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination.

(f) Before disseminating any record about an individual to any person other than an agency or pursuant to 5 U.S.C. 552, the Foundation will make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for Foundation purposes.

(g) The Foundation will maintain no record describing how any individual exercises rights guaranteed by the First Amendment of the Constitution of the United States unless expressly authorized by statute or by the individual about whom the record is maintained, or unless pertinent to, and within the scope of, an authorized law enforcement activity.

(h) The Foundation will establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record. Each such person will be instructed regarding such rules and the requirements of 5 U.S.C. 552a. The instruction will include any other rules and procedures adopted

pursuant to 5 U.S.C. 552a, and the penalties provided for noncompliance.

(i) The Foundation will establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained.

(j) At least 30 days prior to the publication of the notice in the **Federal Register** regarding the routine use of the records contained in the Foundation's system or systems of records, including the categories of users and the purpose of such use pursuant to paragraph (d) of this section, the Foundation will also:

(1) Publish a notice in the **Federal Register** of any new or revised use of the information in the system or systems maintained by the Foundation; and

(2) Provide an opportunity for interested persons to submit written data, views, or arguments to the Foundation.

§ 1507.8 Fees.

Fees to be charged, if any, to any individual for making copies of his or her record will be as follows:

(a) Photocopy reproductions from all types of copying processes, each reproduction image, \$0.10 per page.

(b) Where the Foundation undertakes to perform for an individual making a request, or for any other person, services which are very clearly not required to be performed under section 552a, Title 5, United States Code, either voluntarily or because such services are required by some other law (e.g., the formal certification of records as true copies, attestation under the seal of the Foundation, etc.), the question of charging fees for such services will be determined by the Director of Administration and Finance, in light of the Federal user charge statute (31 U.S.C. 483a), and any other applicable law.

(c) No fees shall be charged for search time expended by the Foundation to produce a record.

§ 1507.9 Judicial review.

Any person may file a complaint against the Foundation in the appropriate U.S. district court, as provided in 5 U.S.C. 552a(g), whenever the Foundation:

(a) Makes a determination not to amend an individual's record in accordance with his or her request, or fails to make such review in conformity with that section; or

(b) Refuses to comply with an individual's request; or

(c) Fails to maintain any record concerning an individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights or opportunities of, or benefits to the individual that may be made on the basis of such record, and consequently a determination is made which is adverse to the individual; or

(d) Fails to comply with any other provision of 5 U.S.C. 552a, or any Foundation regulation promulgated thereunder, in any such a way as to have an adverse effect on an individual.

§ 1507.10 Exemptions.

No Foundation system or systems of records, as such, are exempted from the provisions of 5 U.S.C. 552a, as permitted under certain conditions by 5 U.S.C. 552a (j) and (k).

§ 1507.11 Mailing list.

An individual's name and address may not be sold or rented by the Foundation unless such action is specifically authorized by law. This section does not require the withholding of names and addresses otherwise permitted to be made public.

§ 1507.12 Criminal penalties.

Section 552a(e), Title 5, United States Code, provides that:

(a) Any officer or employee of the Foundation, who, by virtue of his or her employment or official position, has possession of, or access to, Foundation records which contain individually identifiable information, the disclosure of which is prohibited by 5 U.S.C. 552a, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than \$5,000.

(b) Any officer or employee of the Foundation who willfully maintains a system of records without meeting the notice requirements of 5 U.S.C. 552a(e)(4) shall be guilty of a misdemeanor and fined not more than \$5,000.

(c) Any person who knowingly and willfully requests or obtains any record concerning an individual from the Foundation under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000.

§ 1507.13 Reports.

(a) The Foundation shall provide to Congress and the Office of Management

and Budget advance notice of any proposal to establish or alter any system or records as defined herein. This report will be submitted in accordance with guidelines provided by the Office of Management and Budget.

(b) If at any time Foundation system or systems of records is determined to be exempt from the application of 5 U.S.C. 552a in accordance with the provisions of 5 U.S.C. 552a (j) and (k), the records contained in such system or

systems will be separately listed and reported to the Office of Management and Budget in accordance with the then prevailing guidelines and instructions of that office.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Alphabetical Listing of Systems of Records

Attendance and Leave Reporting Records - AID-16
 Awards and Incentives Records - AID-14
 Civil Service Employee Office Personnel Records - AID-2
 Claims Records - AID-20
 Congressional Relations, Inquiries, and Travel Records - AID-22
 Criminal Law Enforcement Records - AID-9
 Emergency Case File - AID-24
 Employees Automated Records - AID-3
 Employee Conduct and Discipline Records - AID-11
 Employees' Equal Employment Opportunity Complaint Investigative Records - AID-23
 Employee-Owned or -Leased Property Records - AID-17
 Employees Payroll Records - AID-15
 Employee Relations Records - AID-10
 Employee Use of Property Owned or Leased by the U.S. Government Records - AID-18
 Executive Assignment Records - AID-12
 Foreign Service Employee Personnel Records - AID-1
 Foreign Service Personnel Evaluation Records - AID-7
 Litigation Records - AID-26
 Orientation and Training Records - AID-13
 Personnel Security and Suitability Investigative Records - AID-8
 Position Classification Records - AID-4
 Privacy Act Implementation Records - AID-25
 Public Information Records - AID-21
 Recruiting, Examining, and Placement Records - AID-6
 Reserved - AID-5
 Travel and Transportation Records - AID-19
 (Appendix A to 22 CFR Part 215 - Regulation, Agency for International Development Addresses and Locations of Offices Referenced in the Regulations and Notices is hereby incorporated by reference into this Notice as Appendix A hereto.)

Statement of General Routine Uses

The following routine uses apply to, and are incorporated by reference into each system of records set forth below to the extent therein applicable:

1. In the event of an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by statute or particular program pursuant thereto, a record in this system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed, as a routine use, to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the approval of a grant or other benefits.

3. A record from this system of records may be disclosed, as a routine use, to a federal agency, in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, approval of a grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

5. A record from this system of records may be disclosed, as a routine use, to the Department of State and its posts abroad for the purpose of transmission of information between organizational units of the Agency, or for purposes related to the responsibilities of the Department of State in conducting United States foreign policy or protecting United States citizens, such as the assignment of employees to positions abroad, the reporting of accidents abroad, evacuation of employees and dependents, and other purposes for which officers and employees of the Department of State have a need for the records in the performance of their duties.

6. A record from this system of records may be disclosed, as a routine use, to a foreign government or international agency in response to its request for information to facilitate the conduct of U.S. relations with that government or agency through the issuance of

such documents as visas, country clearances, identification cards, drivers' licenses, diplomatic lists, licenses to import or export personal effects, and other official documents and permits routinely required in connection with the official service or travel abroad of the individual and his or her dependents.

7. A record from this system of records may be disclosed, as a routine use, to Federal agencies with which the Agency has entered into an agreement to provide services to assist the Agency in carrying out its functions under the Foreign Assistance Act of 1961, as amended. Such disclosures would be for the purpose of transmission of information between organizational units of the Agency; of providing to the original employing agency information concerning the services of its employee while under the supervision of the Agency, including performance evaluations, reports of conduct, awards and commendations, and information normally obtained in the course of personnel administration and employee supervision; or of providing other information directly related to the purposes of the inter-agency agreement as set forth therein, and necessary and relevant to its implementation.

8. A record from this system of records may be disclosed, as a routine use, to a Member of Congress or a Congressional staff representative of the Member in response to an inquiry from a Member made at the request of an individual.

9. A record in those systems of records which contains medical information may be disclosed, as a routine use, to the medical adviser of any individual submitting a request for access to the record under the Act and 15 CFR Part 4b if, in the sole judgment of the Agency, disclosure could have an adverse effect upon the individual, under the provision of 5 U.S.C. 552a(f)(3) and implementing regulations at 15 CFR 4b.6.

10. A record contained in this system of records may be disclosed, as a routine use, to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

11. A record from this system of records may be disclosed, as a routine use, to the Foreign Service Grievance Board in the course of the Board's consideration of matters properly before it.

A.I.D.—1.

System name: Foreign Service Employee Personnel Records.

System location: Washington offices and offices of assignment abroad as listed in Appendix A.

Categories of individuals covered by the system: Present and former A.I.D. Foreign Service employees and employees of other U.S. Agencies detailed to A.I.D.

Categories of records in the system: This system includes (a) central records consisting of official personnel folders and (b) decentralized records consisting of office copies of official documents and papers. Records are comprised of documents in the following categories: Biographic Data; assignment and reassignment orders; notification of personnel actions; travel arrival and departure notices; time and attendance cards; requests for security clearances and building passes; nominations and host country clearances, position descriptions; staffing and workload information; home, family, and emergency location information; records of language proficiency; records of security clearances; performance evaluations; individual assignment rating sheets; earning statements; compensations, awards, and leave information; copies of power of attorney granted by the individual; education and training information; delegations of authority; reports of accomplishments; commendations; health and medical record abstracts; accident or incident reports; reprimands and disciplinary actions; complaints and grievances; documents pertaining to fiscal, property, and transportation matters; foreign office notes and official correspondence; permits and authorizations of foreign governments; health and life insurance plans; and correspondence pertaining to the individual.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, sec. 621, 625, 626, 627, 628, and 636 (b); Foreign Service Act of 1946 as amended, U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To Foreign Governments, international organizations, and U.S. and Foreign Firms for employment or employee exchange.

To Financial and Credit Institutions for loan and credit reference purposes solely to verify the employee's name, employment with A.I.D., dates of employment and pay grade.

To other Federal Agencies and private firms for placement under exchange programs.

To officials of the Department of State serving as the employee's supervisor for performance evaluation and review.

To representatives of the Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of A.I.D. personnel management programs, of personnel actions, or such other matters under the jurisdiction of the Commission.

To representatives of the Civil Service Commission for the maintenance of their Central Personnel Data File, Federal Automated Career System, and Executive Inventory File.

To the Attorney General of the United States or his authorized representative in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice, or carried out as the legal representative of the executive agencies.

To a duly appointed hearing examiner or arbitrator (an employee of another federal agency) for the purpose of conducting a hearing in connection with an employee's appeal involving disclosures of records of A.I.D.'s personnel management system.

To an arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving disclosure of records of the personnel management system.

To officials of labor organizations recognized under Executive Orders 11636 and 11491, as amended, when relevant and necessary to their duties of exclusive representation under the Orders, and to include data such as veteran preference status, tenure, salaries, grades, positions titles, duty stations, agency-sponsored training and awards received, notices of reduction in force, job-related injury, and personnel actions, when such information is relevant to personnel policies and practices affecting employment conditions and necessary for exclusive representation by the labor organization. Wherever feasible and consistent with responsibilities under the orders, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

To state employment security agencies and to the U.S. Department of Labor, upon request, employment, wage and separation data of former AID employees, to determine eligibility for unemployment compensation.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, and Members of Congress, and for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of employee.

Safeguards: Located in metal file cabinets with three-way combination lock in secured premises with access limited to those whose official duties require access.

Retention and disposal: Retention of these records varies from 1 to 75 years, depending upon the specific kind of record involved. They are retired or destroyed in accordance with General Records Schedules issued by the National Archives and Records Service and approved records control schedules of the Agency for International Development.

System manager(s) and address: Chief, Foreign Service Personnel, Office of Personnel and Manpower, Agency for International Development, 515 22nd Street, NW, Washington, D.C. 20523.

Administrative Officer or Executive Officer of the employing office or Mission as listed in Appendix A.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director

Office of Personnel and Manpower (SER/PM)

Attn: Privacy Liaison Officer

Agency for International Development

320 21st Street, NW

Washington, D.C. 20523

or presented in person at State Annex 2, 515 22nd Street, NW, Washington, D.C. 20523.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to §215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same address as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator

Agency for International Development

320 21st Street, NW

Washington, D.C. 20523

ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: Provided by the individual, by officers and employees of A.I.D. in the performance of their official duties, by United States and foreign civil authorities, by educational institutions, private persons and companies and produced in the course of normal personnel administration operations of the Agency.

A.I.D.—2

System name: Civil Service Employee Office Personnel Records.

System location: Washington offices and, when a Civil Service employee is assigned overseas, at offices of assignment abroad as listed in Appendix A.

Categories of individuals covered by the system: Present and former A.I.D. Civil Service employees, consultants, experts; persons under contract to A.I.D.; other U.S. Government Agency personnel employed by A.I.D.; advisers to A.I.D.

Categories of records in the system: In addition to central records in the custody of A.I.D. but officially "maintained" by the Civil Service Commission the Agency maintains personnel records which may be comprised of any of the following categories of documents: Biographic data; assignments and reassignment orders; notification of personnel actions; travel arrival and departure notices; time and attendance cards; requests for security clearances and building passes; nominations and host country clearances; position descriptions; contracts when individuals are employed under a contract; staffing and workload information; home, family, and emergency location information; records of language proficiency; performance evaluations; earning statements; compensation awards, and leave information; copies of power of attorney granted by individual; education and training information; delegations of authority; reports of accomplishments; commendations; accident or incident reports; reprimands and disciplinary actions; complaints and grievances; documents pertaining to fiscal, property, and transportation matters; correspondence pertaining to the individual; and health and life insurance plans.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, sec. 621, 625, 626, 627, 628 and 636(d); Foreign Service Act of 1946, as amended, sec. 911; 5 U.S.C. 301, 1301, 1302. Authority to establish and maintain files.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To foreign Governments and U.S. and foreign firms for employment purposes.

To Financial and Credit Institutions for loan and credit reference purposes solely to verify the employee's name, employment with A.I.D., dates of employment and pay grade.

To other Federal Agencies and private firms for placement under exchange programs.

To officials of the Department of State serving as the employee's supervisor for performance evaluation and service.

To representatives of the Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of A.I.D. personnel management programs, of personnel actions, or such other matters under the jurisdiction of the Commission.

To representatives of the Civil Service Commission of the maintenance of their Central Personnel Data File, Federal Automated Career System, and Executive Inventory File.

To the Attorney General of the United States or his authorized representative in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice, or carried out as the legal representative of the executive agencies.

To a duly appointed hearing examiner or arbitrator (an employee of another federal agency) for the purpose of conducting a hearing in connection with an employee's appeal involving disclosures of records of A.I.D.'s personnel management system.

To an arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving disclosure of records of the personnel management system.

To officials of labor organizations recognized under Executive Orders 11636 and 11491, as amended, when relevant and necessary to their duties of exclusive representation under the Orders, and to include data such as veteran preference status, tenure, salaries, grades, position titles, duty stations, agency-sponsored training and awards received, notices of reduction in force, job-related injury, and personnel actions, when such information is relevant to personnel policies and practices affecting employment conditions and necessary for exclusive representation by the labor organization. Wherever feasible and consistent with responsibilities under the orders, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

To state employment security agencies and to the U.S. Department of Labor, upon request, employment, wage and separation data of former AID employees, to determine eligibility for unemployment compensation.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, and Members of Congress, for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folder.

Retrievability: By name of employee, consultant, expert, contractor, and adviser.

Safeguards: Located in metal file cabinets with three-way combination lock in secured premises with access limited to those whose official duties require access.

Retention and disposal: Retention of these records varies from 1 to 75 years, depending upon the specific kind of record involved. They are retired or destroyed in accordance with General Records Schedules issued by the National Archives and Records Service and approved records control schedules of the Agency for International Development.

System manager(s) and address: Chief, Civil Service Personnel, Office of Personnel and Manpower, Agency for International Development, 515 22nd Street, NW, Washington, D.C. 20523.

Administrative Officer or Executive Officer of the employing office or Mission as listed in Appendix A.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

or presented in person at State, Annex 2, 515 22nd Street, NW, Washington, D.C. 20523.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests for individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to §215.4 (c) or (d) of the Agency's regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

ATTENTION: Executive Secretary—Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary—Privacy Review Request.

Record source categories: Provided by the individual, by officers and employees of A.I.D. in the performance of their official duties,

by United States and foreign civil authorities, by educational institutions, private persons and companies and produced in the course of normal personnel administration operations of the Agency.

A.I.D.—3

System name: Employees Automated Records.

System location: Office of Data Management, Agency for International Development, 1975 Florida Avenue, Washington, D.C.

Categories of individuals covered by the system: a. A.I.D. Employees including: Direct-hire employees assigned positions in the United States; United States citizen direct-hire employees assigned to positions overseas; and employees of Federal, state, or local government agencies detailed or assigned to A.I.D.; and

b. Applicants for employment.

Categories of records in the system: This automated system consists of ten files of computerized records maintained on magnetic discs and magnetic tapes. These files are described below. The first seven (a through g) and the tenth (j) pertain to the category of individuals defined in a. above; the eighth (h) pertains only to the category of individuals defined in b. above; the ninth file (i) is maintained separately from the other eight files.

a. Master Data File—This file contains information about the organizational structure of the Agency, and the location within that structure of all employees. Individual records, in addition to containing data describing the position incumbent by the employee, contain the following types of information on the employee: Basic data such as name, Social Security Account Number (SSAN), birth date, veteran preference, tenure group, service computation date, reportable handicap, retirement system, and participation in Federal Employee Government Life Insurance; pay data such as pay plan, grade or class, step within grade, date appointed to present grade and work schedule; personal data supplied by the employee such as sex, marital status, state of legal residence, and academic education level; data on retirement from a uniformed service, if applicable; a wide variety of dates including those that indicate suspense actions which are due at the future date, and others used for other purposes by personnel managers such as date assigned overseas and date returned from overseas; for Civil Service and Foreign Service employees their evaluation rating and the date of their last evaluation; qualifications and skills data such as college degrees, special prior experience, training courses completed, proficiency in foreign languages, and skills of use to the Agency.

b. A Chronological Data Record is maintained on each employee and contains up to ten entries reflecting the most recent 'personnel actions' on that individual, such as appointment, conversions, reassignment, transfer, promotion, extension, and separation. Included for each entry is the type of action code and title, effective date, position assigned to, including position title, and employee's pay plan and grade at the time.

c. Separated Employee File—For employees who have been separated, a record is maintained, made up of the employee data in the Master Data Record and the Chronological Data Record as described in a. and b. above. This record is maintained for three years after date of separation.

d. Index File—This file contains a record for each employee, but contains only the SSAN and the Position Sequence Number of the Position to which the employee is assigned. It is used to find the employee's Master Data Record when only the SSAN is known.

e. Turnaround File—This file contains only records generated by the computer and is used by the computer to update the Master Data and Chronological Record files on future effective personnel actions. It is also used by the process that prints the Standard Form 50, Report of Personnel Actions.

f. SF-50 File—This file contains data that was used in printing the Standard Form 50 and is retained for 90 days in the event the Standard Form 50 requires correction or cancellation. It contains basic data on the employee and personnel action being effected by the Standard Form 50.

g. Transaction History File—This file contains a record on each file maintenance transaction input into the computer that passed computer program edits and is used in maintaining system files.

h. Applicant Data File—This file contains name, SSAN, veteran preference, and qualification data supplied by the applicant.

i. Minority Group Designator File—This file contains SSAN and a minority code designator used in preparing reports required by the Equal Employment Opportunity Act of 1972.

j. The Equal Opportunity Program Extract File—This file contains information from the Master Data File and the Minority Group Designator File and consists of the following: Position number; position title; occupational specialty code; position pay plan; position grade; GSA location code; employee name; SSAN; sex; employee

pay plan; employee grade; employee step; minority group designator; work schedule; current civil service performance rating; date of last civil service performance rating; supervisory code; age; date of birth; handicap code; date appointed present grade; incumbent assigned date; date entered on duty with AID or predecessor; academic education level; degree Majors 1, 2 and 3; Agency occupational specialties 1, 2 and 3; Veteran's Preference.

Authority for maintenance of the system: Title 5 U.S.C. 301 1302, 2951, 4118, 4308; Foreign Assistance Act of 1961, as amended, sec. 621, 621A, 625, 626, 627, 628; Foreign Service Act of 1946, as amended, sec. 911.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To representatives of the Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of A.I.D. personnel management programs, of personnel actions, or such other matters under the jurisdiction of the Commission.

To representatives of the Civil Service Commission for the maintenance of their Central Personnel Data File, Federal Automated Career System, and Executive Inventory File.

To the Attorney General of the United States or his authorized representative in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice, or carried out as the legal representative of the executive agencies.

To the Chesapeake and Potomac Telephone Co. (a contractor) and its employees for the purpose of telecommunications transmission of data between the central computer facility and the remote terminals.

To a duly appointed hearing examiner or arbitrator (an employee of another federal agency) for the purpose of conducting a hearing in connection with an employee's appeal involving disclosures of records of A.I.D.'s personnel management system.

To an arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving disclosure of the record of the personnel management system.

To the recognized labor union for the purposes of meeting the requirements of the negotiated agreement.

To representatives of the Department of Health, Education and Welfare for the purpose of producing microfiche and microfilm outputs.

To the Department of State for the purposes of producing microfiche and microfilm outputs.

To the Department of the Treasury and the Department of State for the purpose of providing special reports pertaining to AID employees in the Foreign Service Retirement and Disability System.

To law enforcement agencies, U.S. government agencies, courts, the Department of State, foreign governments and international agencies, and Members of Congress, for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on magnetic disc and/or magnetic tape.

Retrievability: The ten files described above are indexed in the following manner and may be retrieved as indicated; however, personal data in all files are readily retrieved through the Index File.

(a) Master Data File: By Position Sequence Number (POSNO) within AID;

(b) Chronological Data File: By Social Security Account Number (SSAN)

(c) Separated Employee File: By SSAN;

(d) Index File: By SSAN;

(e) Turnaround File: By effective date;

(f) SF-50 File: By effective date;

(g) Transaction History File: By date of input to the system or effective date, whichever is later; and

(h) Applicant Data File: By SSAN.

(i) Minority Group Designator File: By SSAN.

(j) Equal Opportunity Program Extract File: By Position Sequence Number. (POSNO) within A.I.D.

Safeguards: A 'password' is assigned to A.I.D. employees who, in the performance of their official duties, must have access to these files. The password is checked by the computer prior to granting access to the files. The computer facility, including the time library, is located in secured premises with combination-lock door, and access is limited to persons of verified identity who require access.

Retention and disposal: The computerized records are deleted from the files when no longer needed by the system. A copy of the

content of all files is made at the end of June and December and is retained for five years, then destroyed.

System manager(s) and address: Chief, Systems Design Branch, Policy Development Division, Office of Personnel and Manpower, Agency for International Development, 515 22nd Street NW, Washington, D.C. 20523

For the Minority Group code designator, the Director, Equal Opportunity Programs, Agency for International Development, 320 21st Street, NW, Washington, D.C. 20523.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director

Office of Personnel and Manpower (SER/PM)

Attn: Privacy Liaison Officer

Agency for International Development

320 21st Street, NW

Washington, D.C. 20523

or presented in person at State Annex 2, 515 22nd Street NW, Washington, D.C. 20523

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to §215.4(c) or (d) of the Agency's rules as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same address as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator

Agency for International Development

320 21st Street, NW

Washington, D.C.

ATTENTION: Executive Secretary—Privacy Review Request

Both the envelope and the letter should be clearly marked Attention: Executive Secretary—Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities in approving personnel actions and verifying information.

A.I.D.—4

System name: Position Classification Records.

System location: Office of Personnel and Manpower, State Annex 2, 515 22nd Street NW, Washington, D.C. 20523.

Categories of individuals covered by the system: Employees of A.I.D.

Categories of records in the system: Position descriptions, appeals, correspondence relating to position classification, reviews of classifications and the determinations made thereon, and Notifications of Personnel Actions (SF-50's) relating to the position.

Authority for maintenance of the system: The Foreign Assistance Act of 1961, as amended sec. 621 and the Foreign Service Act of 1946 as amended; 5 U.S.C. 301, 1302, 2951, 4118, 4308, and Executive Orders 10561 and 10987.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, and Members of Congress, for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copies in file folders.

Retrievability: Name of individual.

Safeguards: Located in metal file cabinets with three-way combination locks in a secure space or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained by A.I.D. as long as five years (in case of appeals against position classification actions), then destroyed by shredding.

System manager(s) and address: For Civil Service personnel: Chief, Civil Service Personnel, Office of Personnel and Manpower, Agency for International Development, 515 22nd Street NW, Washington, D.C. 20523.

For Foreign Service personnel: Chief, Position Management & Foreign National Branch, Office of Personnel and Manpower, Agency for International Development, 515 22nd Street NW, Washington, D.C. 20523.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

or presented in person at State Annex 2, 515 22nd Street NW, Washington, D.C. 20523.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to §215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed to:

Administrator
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

ATTENTION: Executive Secretary—Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary—Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D.—5 [Reserved]

A.I.D.—6

System name: Recruiting, Examining and Placement Records.

System location: Records are maintained in various offices in Washington and abroad that have responsibility for recruiting candidates for employment. See Appendix A for actual location of these offices.

Categories of individuals covered by the system: Individuals who have applied to the Agency for employment or employees who have requested outplacement assistance.

Categories of records in the system: In addition to central records maintained by A.I.D. but under the control of the Civil Service Commission, the Agency also maintains information relating to the education and training; employment history and earnings; appraisal of past performance; convictions of offenses against the law; results of written tests; appraisal of potential; honors, awards or fellowships; military service; veteran preference; birthplace; birth date; Social Security number; and home address.

Authority for maintenance of the system: The Foreign Assistance Act of 1961, as amended; the Foreign Service Act of 1946; 5 U.S.C. 301, 1302, 3301, 3302, 3304, 3306, 3307, 3309, 3313, 3317, 3318, 3319, 3349, 4103, 5532, 5533, 5723; and Executive Orders 10577 and 11103.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To prospective employees (Universities, State, and Local Governments, private enterprises, United Nations and other international organizations, foreign governments, and governments of the territories of the U.S.) for purposes of proposing A.I.D. employees who have requested placement assistance for positions outside the Agency.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, and Members of Congress, for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Located in metal file cabinets with three-way combination lock in secured premises with access limited to those whose official duties require access.

Retention and disposal: Kept from 6 months to 5 years depending upon need; disposed of by shredding or burning.

System manager(s) and address: Chief, Recruitment Staff, Office of Personnel and Manpower, Agency for International Development, 515 22nd Street NW, Washington, D.C. 20523.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PN)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, NW,
Washington, D.C. 20523.

or presented in person at State Annex 2, 515 22nd Street NW, Washington, D.C. 20523.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to §215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

ATTENTION: Executive Secretary—Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary—Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities; previous employers, personal references provided by the individual; and educational institutions.

A.I.D.—7

System name: Foreign Service Personnel Evaluation Records.

System location: Evaluation files are kept in the Office of Personnel and Manpower, 515 22nd Street NW, Washington, D.C. 20523.

Categories of individuals covered by the system: Foreign Service Reserve Officers and Staff of A.I.D.

Categories of records in the system: Employee's name, date of birth, entry on duty in Foreign Service, Social Security number, name of evaluation panel, employee backstop code, panel determination and comments, relative ranking of employee, employee data record print, and personal evaluation reports.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, sec. 625(d) and (c); Foreign Service Act of 1946 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To representatives of the Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of A.I.D. personnel management programs, of personnel actions, or such other matters under the jurisdiction of the Commission.

To a duly appointed hearing examiner or arbitrator (an employee of another federal agency) for the purpose of conducting a hearing in connection with an employee's appeal involving disclosures of records of A.I.D.'s personnel management system.

To an arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving disclosure of records of the personnel management system.

To the recognized labor union for the purpose of meeting the requirements of the negotiated agreement.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies and Members of Congress, for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy filed in folders.

Retrievability: By name of individual.

Safeguards: Located in metal cabinets with three-way combination lock in a secured area. Access is to those whose official duties require access.

Retention and disposal: Destroyed by burning five years after employee separates.

System manager(s) and address: Chief, Personnel Information Center (PM/PO/PIC), Agency for International Development, 515 22nd Street NW, Washington, D.C. 20523.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523.

or presented in person at State Annex 2, 515 22nd Street NW, Washington, D.C. 20523.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to §215.4(c) or (d) of the Agency's regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same address as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523.

ATTENTION: Executive Secretary—Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary—Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D.—8

System name: Personnel Security and Suitability Investigations Records.

Security classification: Secret.

System location: a. Central file: Office of Security, 1621 North Kent Street, Arlington, Virginia.

b. Working files are maintained in various offices in Agency Washington Headquarters and in missions abroad. See Appendix A for actual locations.

c. Retired files are maintained in the Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: Present and former employees, including full and part-time. 'When Actually Employed' (WAE), 'Without Compensation' (WOC), intermittent, experts and consultants; current and former applicants for employment; Americans currently or formerly employed under contract; applicants for contract; certain contractors and contractor personnel; individual names not included in the above categories are also cross-indexed in security files when significantly involved in security-related investigations; and individuals currently and formerly employed under Participating Agency Service Agreements (PASA) or Interagency Personnel Act (IPA) or other authority.

Categories of records in the system: Employee identification cards and photographs; reports of investigations conducted by A.I.D. and by other government agencies; interoffice and intraoffice correspondence, memoranda and reports; correspondence and memoranda origi-

nated by other elements of A.I.D., Federal agencies and other governmental entities (i.e., state and local), corporate and private entities, and by individuals. Additionally, records are maintained of security violations and consequent recommendations for disciplinary action. The system contains reports of briefings and debriefings of employees.

Authority for maintenance of the system: Foreign Assistance Act of 1961, as amended, sec. 635(b), 5 U.S.C. 7531 and 7532; Act of August 26, 1950, 64 Stat. 476; and Executive Order 10450 of April 27, 1953 (as amended by Executive Orders 10491 of October 13, 1953; 10531 of May 27, 1954; 10548 of August 2, 1954; 10550 of August 5, 1954; 11785 of April 6, 1974; and 11652 of March 8, 1972).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To persons contacted in the course of an investigation to the extent necessary to further the purposes of the investigation.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, and Members of Congress, for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy and photographic film in file folders.

Retrievability: By name of individual.

Safeguards: Maintained in containers with three-way combination locks or areas with intrusion alarms and accessible only to authorized personnel for their information in the performance of their duties.

Retention and disposal: Security violation records and investigative reports are normally retained for 30 years following separation of employee but may be destroyed earlier upon determination that material has no value; identification cards are destroyed upon termination of employment.

System manager(s) and address: Director, Office of Security, 1621 North Kent Street, Arlington, Virginia.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(1), (k)(2), (k)(3), and (k)(5) all investigatory material in the record which meets the criteria of all these subsections is exempted from the notice, access, and contest requirements under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), (I) and (f) in order to accomplish this law enforcement function of the Agency, to prevent disclosure of classified information as required by Executive Order 11652, to assure the protection of the President, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of information and sources, and to avoid endangering these sources and law enforcement personnel. See Agency Regulations published in this issue of Federal Register.

A.I.D.—9

System name: Criminal Law Enforcement Records.

Security classification: Top Secret.

System location: a. Central files are maintained in the Office of Inspections and Investigations, 1621 North Kent Street, Arlington, Virginia.

b. Working files are maintained in the Office of the General Counsel, 320 21st Street, NW, Washington, D.C. and in the overseas offices of the Auditor General, Office of Inspections and Investigations located in Panama, Karachi, Bangkok, Rabat and Manila. (See Appendix A for actual location of these offices).

c. Retired files are maintained at the Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: In furtherance of an investigation for suspected violation of criminal laws—present and former employees of the Agency and of the Overseas Private Investment Corporation; present and former employees of contractors used by the Agency and individuals involved or associated with such employees; individuals investigated at the request of another Federal agency.

Categories of records in the system: Reports of investigations concerning violations of Federal civil and criminal statutes and other violations of Title 18, U.S.C. and violations of Agency regulations; personal identification data and details of activities; related correspondence with individuals, with other organizational units of the Agency, and with federal, state, and local government agencies; records of disciplinary or other actions deriving from investigations; and copies of reports of investigations conducted by the Agency on the behalf of other federal agencies. Executive Order 10973 of No-

ember 3, 1961, and State Department Delegation of Authority 104 of November 3, 1963.

Authority for maintenance of the system: Attorney General's memorandum re: Pub.L. 725 (28 U.S.C. 535); Foreign Assistance Act of 1961, as amended; Title 18 U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To persons contacted in the course of an investigation to the extent necessary to further the purposes of the investigation.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, and Members of Congress, for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Files in Washington are stored in combination locked containers or in intrusion-alarmed areas. Files in field offices abroad are stored in secured areas with access by combination lock doors, in combination locked containers, and/or in areas secured by U.S. Marine guards. Access to records is limited to authorized screened personnel with an official need to know.

Retention and disposal: Records are retained for three years after the closing of a case and are then retired to the Washington National Records Center for 10 years after last entry in file. Copies of reports furnished by other agencies are returned to the originating agency when so requested; otherwise such records are retained until cases are closed and then retired to the National Washington Records Center for the periods stated above.

System manager(s) and address: Director, Office of Inspections and Investigations, 1621 North Kent Street, Arlington, Virginia.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(j)(2) all information about an individual in the record which meets the criteria stated in 5 U.S.C. 552a(j)(2) are exempted from the notice, access, and contest requirements of 5 U.S.C. 552a except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i). If the 5 U.S.C. 552a(j)(2) exemption is held to be invalid, then this system is determined to be exempt, under 5 U.S.C. 552a(k)(1) and (2) of the Act, from the provisions of 5 U.S.C. 552a (c) (3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f). The reasons for asserting the exemptions are to protect the materials required by Executive Order to be kept secret in the interest of the national defense or foreign policy, to prevent subjects of investigation from frustrating the investigatory process, to insure the proper functioning and integrity of law enforcement activities, to prevent disclosures of investigative techniques, to maintain the ability to obtain necessary information, to fulfill commitments made to sources to protect their identities and the confidentiality of information and to avoid endangering these sources and law enforcement personnel. See Agency Regulations published in this issue of the Federal Register.

A.I.D.—10

System name: Employee Relations Records.

Security classification: Confidential.

System location: a. For active records: Employee Relations Branch, Office of Personnel and Manpower, Agency for International Development, 515 22nd Street NW, Washington, D.C. 20523.

b. For retired records: Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: Any A.I.D. employee or employee of another Federal Agency assigned to A.I.D. under a Participating Agency Service Agreement who has filed a complaint, grievance or appeal; has been the subject of an alimony or child support claim; has been listed as a prisoner of war or missing in action (POW/MIA); or has a medical problem affecting his employment.

Categories of records in the system: Correspondence and indexes covering complaints, grievances, appeals, life insurance, health insurance, occupational health, workers' compensation, but not including those records belonging to the Department of Labor; alimony and child support, employee medical problems (but not including medical records maintained by the Office of the Medical Director, Department of State) and material relating to POW/MIA's.

Authority for maintenance of the system: Foreign Assistance Act of 1961, as amended, especially secs. 621 and 625; Foreign Service Act of 1946, as amended; Executive Order 10450 as amended August

5, 1954; 5 U.S.C. 301, 7301, 7531, 7532, 7533; sec. 914 of Pub.L. 92-255; and sec. 201 of Pub.L. 91-616.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To a duly appointed Hearing Examiner or Arbitrator for the purpose of conducting a hearing in connection with an employee's appeal involving a grievance.

To a union representative for the purpose of representing an employee in order to protect the employee rights negotiated under the union agreement.

To the Civil Service Commission for the purpose of determining if the Agency's course of action is correct.

To a health or life insurance carrier for the purpose of determining the status of benefits paid or owed by or to an employee pursuant to a health or life insurance compensation agreement.

To hospitals, clinics, and other medical treatment facilities upon their request in order to provide information about health insurance under the Federal Employees Group Health Insurance Program.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, and Members of Congress, for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: By employee name.

Safeguards: Located in metal file cabinets with three-way combination lock in secured premises with access limited to those whose official duties require access.

Retention and disposal: Workers' compensation files are retired to Federal Records Center, St. Louis, Missouri, for permanent retention after resolution of case. Alcohol and drug abuse files are destroyed by burning one to three years after separation of employee. POW/MIA files are retained indefinitely. All other records are destroyed by burning one to two years after resolution of a problem or final decision on a pending matter.

System manager(s) and address: Chief, Employee Relations Branch, at the location shown in the Systems Location Section above.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(5), all investigatory material in the record which meets the criteria of these subsections is exempted from the notice, access and contest requirements of Sections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) 5 U.S.C. 552a in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine suitability for employment. See Agency Regulations published in this issue of the Federal Register.

A.I.D.—11

System name: Employee Conduct and Discipline Records.

Security classification: Secret.

System location: a. For active records: Office of Personnel and Manpower, Agency for International Development, 515 22nd Street NW, Washington, D.C. 20523 and Office of General Counsel, Agency for International Development, 320 21st Street, NW, Washington, D.C. 20523.

b. For retired records: Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: A.I.D. employees and personal services contract personnel.

Categories of records in the system: Investigations of alleged misconduct, statements of outside employment and financial interests, claims for indebtedness, conflict of interest, insubordination, prohibited political activity, sale or barter of personal property abroad, medical problems affecting employment, and relevant disciplinary actions affecting all of the above.

Authority for maintenance of the system: 18 U.S.C. 201 through 209, Executive Order 11222 of May, 1965; FR Doc. 68-14888, filed Dec. 12, 1968.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:** Paper copy in file folders.**Retrievability:** By name of individual.**Safeguards:** Stored in fire-insulated combination vault or in three-way combination locked containers accessible only to authorized personnel with an official need to know.**Retention and disposal:** Misconduct and discipline records are destroyed by burning twenty years after last entry in file or ten years after separation whichever is earlier. All other records are destroyed by burning one to two years after resolution of a problem or final decision on a pending matter.**System manager(s) and address:** a. For records at location (a); Chief, Employee Relations Branch, Office of Personnel and Manpower, 515 22nd Street NW, Washington, D.C. 20523.

b. For records at Location (b): Management Assistant, Office of the General Counsel, A.I.D., 320 21st Street, NW, Washington, D.C.

Record source categories: The individual concerned, creditors, and A.I.D. employees acting in their official capacities.**Systems exempted from certain provisions of the act:** Pursuant to 5 U.S.C. 552a (k)(5), all investigatory material in the record which meets the criteria of these subsections is exempted from the notice, access and contest requirements of Sections (c)(3), (d), (e)(1), (e)(4)(G)(H) and (I) and (f) of U.S.C. 552a in order to fulfill commitments made to protect the confidentiality of sources and to maintain access to sources of information which are necessary to determine suitability for employment. See Agency regulations published in this issue of the Federal Register.**A.I.D.—12****System name:** Executive Assignment Records.**Security classification:** Confidential.**System location:** Agency for International Development Office of the Deputy Administrator, 320 21st Street, NW, Washington, D.C. 20523.**Categories of individuals covered by the system:** Applicants for employment and present A.I.D. employees.**Categories of records in the system:** Biographical data, education, nominating documents, and recommendations.**Authority for maintenance of the system:** Foreign Assistance Act of 1961 as amended, Sections 631 (b) and (c) and 625 (b), (c), (d), 5 U.S.C. 2103.**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To Members of Congress for Congressional clearance; the White House for clearance; Department of Justice, Federal Bureau of Investigations for security clearance; Civil Service Commission for security clearance, and other U.S. Government Departments and Agencies for executive placement opportunities.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, and Members of Congress, for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:** Paper copy in file folders.**Retrievability:** By name of applicant or employee.**Safeguards:** Located in metal file cabinets with three-way combination locks in secure premises with access limited to those whose official duties require access.**Retention and disposal:** Applicant's file kept for one year and then reviewed for status. Employee's file kept until employee retires, transfers, or resigns. Files destroyed by shredding or burning.**System manager(s) and address:** Special Assistant for Executive Assignments, Agency for International Development, Office of the Deputy Administrator, 320 21st Street, NW, Washington, D.C. 20523.**Notification procedure:** Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

or presented in person at State Annex 2, 515 22nd Street NW, Washington, D.C. 20523.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.**Record access procedures:** Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to §215.4(c) or (d) of the Agency's regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary, Privacy Review Request.

Record source categories: Information provided by the applicant or employee, educational institutions, and documents originated by A.I.D., the White House, other U.S. Government Departments and Agencies, Members of Congress, organizations and persons.**A.I.D.—13****System name:** Orientation and Training Records.**System location:** Records are maintained in various offices in Washington and abroad that have responsibilities in processing applications. See Appendix A for actual location of these offices.**Categories of individuals covered by the system:** Employees of A.I.D., employees of other U.S. Agencies assigned to A.I.D., A.I.D. contractor personnel and dependents of the foregoing; personnel from voluntary organizations, foreign governments and international organizations who apply for participating agency training programs.**Categories of records in the system:** In addition to central records in custody of A.I.D., but officially "maintained" by the Civil Service Commission, the Agency maintains biographical information, training applications, college transcripts, thesis papers, language aptitude and proficiency scores, miscellaneous test scores and correspondence, and evaluations of employees in training.**Authority for maintenance of the system:** Foreign Assistance Act of 1961, as amended (Pub.L. 87-195), sec 621; and the Foreign Service Act of 1946 amended Title 5, U.S.C. 301, 1302, 2951, 4118, 4308, and Executive Order 10561, Sept. 13, 1954.**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To colleges, universities, and other formal training institutions, for the purpose of nominating or recommending employees of the Agency for academic studies or training at such institutions, law enforcement agencies, U.S. Government agencies, A.I.D. contractors, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:****Storage:** Paper copy in file folders.**Retrievability:** By name of individual or other personal identifier.**Safeguards:** Located in metal file cabinets with three-way combination locks in secure premises with access limited to those whose official duties require access.**Retention and disposal:** Selected records disposed of after one to five years by shredding or burning; records of more permanent value disposed of in same manner after retirement, transfer or resignation of employee to which they pertain.**System manager(s) and address:** The Chief, Professional Studies and Career Development Division, Agency for International Development, 1735 N. Lynn Street, Arlington, Virginia. Additional records are maintained by Administrative and Executive Officers and Office supervisors in A.I.D. Washington offices located abroad. See Appendix A for actual location of offices.**Notification procedure:** Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523
or presented in person at State Annex 2, 515 22nd Street NW,
Washington, D.C. 20523.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to §215.4(c) or (d) of the Agency's regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

ATTENTION: Executive Secretary—Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary—Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D.—14

System name: Awards and Incentives Records.

System location: a. Central File: Incentive Awards Branch, Office of Personnel and Manpower, Agency for International Development, 515 22nd Street NW, Washington, D.C. 20523.

b. Decentralized files are maintained in various Washington offices and offices abroad having responsibility for initiating and/or implementing incentive award activities or programs. See Appendix A for actual location of these offices.

Categories of individuals covered by the system: Foreign Service and Civil Service Employees of A.I.D. and employees of other government agencies.

Categories of records in the system: In addition to central records in the custody of A.I.D. but officially 'maintained' by the Civil Service Commission, the agency maintains forms recording employee suggestions, supervisor's recommendations, award citations, and agency decisions.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, section 621 (a); Foreign Service Act of 1946 as amended, 5 U.S.C. Chapter 45.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, and Members of Congress, for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Located in metal file cabinets with three-way combination locks in secured premises with access limited to those persons whose official duties require access.

Retention and disposal: Destroyed one year following completion of program or granting of award; or when obsolete.

System manager(s) and address: a. Central File: Chief Incentive Awards Branch, Office of Personnel and Manpower, Agency for International Development at the location stated above.

b. Executive Officer or Principal Administrative Officer in A.I.D. Washington offices and offices abroad. See Appendix A for actual location of offices.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

or presented in person at State Annex 2, 515 22nd Street NW, Washington, D.C. 20523.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to §215.4(c) or (d) of the Agency's regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Request for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary, Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D.—15

System name: Employees Payroll Records.

System location: a. For automated files - Office of Data Management, Agency for International Development, 1975 Florida Avenue, Washington, D.C.

b. For employee case file—Employee Services Division, Office of the Controller, Agency for International Development, 1975 Florida Avenue, Washington, D.C.

c. For alimony and child support garnishment file - Employee Relations Branch, Office of Personnel and Manpower, Agency for International Development, 515 22nd Street NW, Washington, D.C. 20523.

d. For retired files - Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: A.I.D. employees including: Direct-hire employees assigned to positions in the United States, U.S. citizen direct-hire employees assigned to positions overseas, personal services contractors, other contract employees; and employees of Federal, state, or local government agencies assigned to A.I.D.

Categories of records in the system: This system consists of five files, three of which are computerized records maintained on magnetic discs and magnetic tapes. The other two are manual files maintained in filing cabinets. These files are described below.

a. Employee Case File - this manual file contains copies of SF-50's, withholding statements, bond allotment slips, health benefits forms, life insurance forms, retirement forms and other papers concerning payroll matters.

b. New American Payroll System Automated Master Employee File this is an automated file. Individual records contain the following types of information: name, Social Security account number, country post, union indicator, timekeeper code, W-2 mail indicator, retirement system federal government life insurance, health benefits, birth date, a wide variety of dates including those that indicate suspense actions which are due at a future date, and other dates for the use of financial managers such as limited appointment expiration date, effective date of pay change; allowances, deductions, hours worked, leave severance pay, and federal and state income tax.

c. Payroll History File - this file is an automated file. Individual records contain Social Security account number, current pay, year to date pay, tax status, allotments, bonds, time and attendance, retirement, insurance and other pay data.

d. Address File - This is an automated file. Individual records contain address records for bonds, allotment, paychecks; W-2 mailing address, agency, Social Security account number, bond number, checkline code and financial organization.

e. Alimony and Child Support Garnishment File - this is a manual file which contains court judgment and writ and other legal orders concerning alimony and/or child support payments.

Authority for maintenance of the system: Foreign Assistance Act of 1961 (as amended) 621(a), 625, 636(b), (c); Chapter 51 title 5 U.S.C.; Executive Order 10927; Pub.L. 93-647; Foreign Service Act of 1946, as amended; and Social Security Act (42 U.S.C. 659).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To Treasury Department for payroll purposes.

To Treasury Department for issuance of savings bonds.

To Civil Service Commission for retirement, health and life insurance purposes.

To the Social Security Administration for Federal Insurance Compensation Act purposes.

To the Internal Revenue Service for taxable earnings and withholding purposes.

To the Combined Federal Campaign for charitable contribution purposes.

To American Federation of Government Employees for union dues.

To American Foreign Service Association for union dues.

To the States of California, New York, Pennsylvania, Maryland, Virginia, and the District of Columbia, under agreements entered into by the Secretary of the Treasury, wage and tax information consisting of name, address, social security number, wages (as defined in Section 3401(a) of the Internal Revenue Code, 26 U.S.C. 3401(a)), and tax withheld, if any. This data is provided generally with respect to employees of the Agency who are employed in the State and subject to the tax (whether or not tax is withheld); or, who have opted for voluntary withholding for their taxing jurisdiction.

To the Attorney General of the United States or his authorized representative in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice, or carried out as the legal representative of the Executive Branch agencies.

To the Internal Revenue Service for audit and inspection and investigation purposes.

To the Department of Health, Education, and Welfare for microfilming and producing microfiche.

To the Chesapeake and Potomac Telephone Company (a contractor) and its employees for the purpose of telecommunications transmission of data between the central computer facility and the remote terminal.

To the Department of State for retirement and microfilming purposes.

To judgment holder for the purposes of garnishment for the payment of alimony or child support.

To a duly appointed hearing examiner or arbitrator (an employee of another federal agency) for the purpose of conducting a hearing in connection with an employee's appeal involving disclosures of records of A.I.D. financial systems.

To an arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving disclosure of records of the financial management system.

To the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its Government-wide personnel management functions.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, and Members of Congress, for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Automated records are stored on magnetic disc and/or magnetic tape. The manual files contain microfilm, microfiche, printed forms, punched cards, and correspondence.

Retrievability: The five files described above are indexed in the following manner; a. Employee Case File - By name of employee.

b. New American Payroll System Automated Master Employee File - by Social Security account number.

c. Payroll History File - by Agency (A.I.D. and O.P.I.C.) and Social Security account number.

d. Address File - by Social Security account number.

e. Alimony and Child Support Garnishment File - by name.

Safeguards: For the automated system, a 'password' is assigned to A.I.D. employees who in the performance of their official duties, must have access to these files. For the manual files they are located in metal file cabinets with three-way combination locks or in secured premises with access limited to those whose official duties require access. The computer facility, including the tape library, is located in secured premises with combination-lock door and, access is limited to persons of verified identity who require access.

Retention and disposal: a. The Employee Case Files are maintained for ten years after the date of an employee's separation. The file is transferred to the Washington National Records Center one year after audit.

b. The new American Payroll System Automated Master Employee File is maintained for a two-week period; then it is updated by writing over the old record. This automated record duplicates the information in the employee case file.

c. The Payroll History File is maintained for five years; then it is written over.

d. The Address File is updated periodically as needed and the old version is written over.

e. The Alimony and Child Support Garnishment File is maintained in the office for a period of seven years after an employee is transferred or separated.

System manager(s) and address: For Alimony and Child Support Garnishment File: Chief, Employee Relations Branch, Office of Personnel and Manpower, Agency for International Development, 515 22nd Street NW, Washington, D.C. 20523.

For all other files: Assistant Controller, Employee Services Division, Financial Management, Agency for International Development, 1975 Florida Avenue, Washington, D.C.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

or presented in person at State Annex 2, 515 22nd Street NW, Washington, D.C. 20523.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to §215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

ATTENTION: Executive Secretary—Privacy Review Request. Both the envelope and the letter should be clearly marked Attention: Executive Secretary—Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D.—16

System name: Attendance and Leave Reporting Records.

System location: Central records located in Office of Financial Management, Agency for International Development, 1975 Florida Avenue, NW, Washington, D.C. Timekeeper's records are kept by the employing Washington office and offices abroad. See Appendix A for a listing of these locations.

Categories of individuals covered by the system: Employees of A.I.D. and Personal Service Contractors.

Categories of records in the system: Central Records (Employee Payroll File) and Timekeepers Records contain various combinations of the following: Time and attendance cards, leave requests forms, correspondence and memorandums on leave, payroll deductions for

savings bonds and allotments to various institutions and correspondence on reimbursements.

Authority for maintenance of the system: Title 5, U.S.C. 1302, 2951, 4118, 4308 and sections 112 (a) and 113 of the Budget and Accounting Procedures Act of 1950, and Title 6, GAO Policies and Procedures Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, and Members of Congress, for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

To the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its Government-wide personnel management functions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual and Social Security number.

Safeguards: Located in metal file cabinets with three-way combination locks in a secure space or secured premises with access limited to those whose official duties require access.

Retention and disposal: Destroyed after 5 years by burning or shredding.

System manager(s) and address: Assistant Controller, Employees Services Division, at the location shown in System Location Section above.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

or presented in person at State Annex 2, 515 22nd Street NW, Washington, D.C. 20523.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to §215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary, Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D.—17

System name: Employee-Owned or -Leased Property Records.

System location: Records are located at various overseas offices listed in Appendix A.

Categories of individuals covered by the system: U.S. Government employees and contract employees of A.I.D.

Categories of records in the system: Records on leasing living quarters whose rent and utility costs are reimbursed wholly or in part by A.I.D. and personally-owned vehicles and other property at post. Records contain a description of such property, and how property is disposed of at post.

Authority for maintenance of the system: Foreign Assistance Act of 1961r as amended, section 636; Foreign Service Act of 1946 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To the Department of State for the issuance of licenses and establishing of duty free status of A.I.D. personnel.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, and members of Congress, for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Located in metal file cabinets with three-way combination locks in secured premises with access limited to those whose official duties require access.

Retention and disposal: After employee leaves post, records on owned property are retained for four years and on leased property for two years, then destroyed.

System manager(s) and address: Director, Office of Management Operations, 320 21st Street NW, Washington, D.C. 20523.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

or presented in person at State Annex 2, 1601 North Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to §215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: U.S. Government employees, local and contract employees of A.I.D. and American Embassy personnel.

A.I.D.—18

System name: Employee Use of Property Owned or Leased by the U.S. Government Records.

System location: Records are located at Agency Washington headquarters and at offices abroad. See Appendix A for actual location of those offices.

Categories of individuals covered by the system: U.S. Government employees, contract employees of A.I.D., and guests at A.I.D.-operated staff or guest houses.

Categories of records in the system: Records pertaining to the occupancy or use of property owned or leased by the U.S. Government, and to facilities and/or services provided such as: Government-leased housing; government-owned furniture, appliances and furnishings; U.S. Government property in custody used for official purposes; government-owned vehicles used for official or unofficial purposes; parking permits; government-purchased publications; long-

distance telephone calls made from A.I.D. facilities; U.S. Government vehicle repair facilities; commissary, liquor, and post exchange purchases; gasoline purchased from or through post exchange purchases; gasoline purchased from or through an A.I.D. overseas post; government-furnished housing maintenance and repair services; and A.I.D. staff or guest house facilities.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, section 621, 635; Foreign Service Act of 1946 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, and Members of Congress, for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders, and card index file.

Retrievability: By name of individual.

Safeguards: Located in metal file cabinets with three-way combination locks in secured premises with access limited to those whose official duties require access.

Retention and disposal: Records on the issuance of U.S. Government property are destroyed three years after the property is turned in or otherwise accounted for. Individual trip tickets reflecting official and unofficial use of vehicles are destroyed 6 months after the end of the fiscal year. Maintenance and repair records and related papers pertaining to the maintenance and repair of individual residential units occupied by individuals at overseas posts are destroyed at the end of 4 years. Destruction is by shredding or burning.

System manager(s) and address: Director, Office of Management Operations, Agency for International Development, 320 21st Street, NW, Washington, D.C.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

or presented in person at State Annex 2, 515 22nd Street NW, Washington, D.C. 20523.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to §215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Correcting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

ATTENTION: Executive Secretary—Privacy Review Request. Both the envelope and the letter should be clearly marked Attention: Executive Secretary—Privacy Review Request.

Record source categories: U.S. Government employees, local and contract employees of A.I.D., and personnel of the Department of State.

A.I.D.—19

System name: Travel and Transportation Records.

System location: Central records located in A.I.D. Washington Headquarters. Decentralized records maintained in various Washington offices and offices abroad having responsibilities for initiating requests for travel or transportation of things. Travel Advance Control History File for Automated Files: Office of Data Management,

1875 Connecticut Avenue, NW, Washington, D.C. Travel Advance, Employee Case File: Employee Services Division, Office of the Controller, 1875 Connecticut Avenue, NW, Washington, D.C. See Appendix A for actual location of these offices.

Categories of individuals covered by the system: A.I.D. employees and their dependents, individuals whose travel is sponsored or paid for by A.I.D., and visitors to A.I.D. offices abroad.

Categories of records in the system: a. Central Records: Travel authorizations; itineraries; government bills of lading; government transportation requests; card file pertaining to passports, travel and shipment of effects; and correspondence.

b. Decentralized Records: Copies of documents maintained in the central records; export/import permits; baggage declarations; customs declarations; passports and records of applications for visas; travel advance requests; arrival and departure notices; record of clearances prior to departure from post abroad; packing lists and information on meetings abroad including meeting schedules and biographical sketch of attendees.

c. Travel Advance, Employee Case File: A manual file containing copies of travel authorizations and related paid vouchers and correspondence.

d. Travel Advance Control History File: Automated file containing name, social security account number, appropriation code, date issued, advance issued and advance outstanding.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, esp. section 621, 636(a) and (b); Foreign Service Act of 1946 as amended, section 911; and Chapter 57, 5 U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To commercial travel, transportation and shipping companies and agents for making travel, transportation and shipping arrangements.

To U.S. Treasury for payment of bills and vouchers.

To U.S. Dispatch Agents to arrange shipment and clearance of effects.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, and Members of Congress, for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folder.

Retrievability: Individual's name or other personal identifier.

Safeguards: Biographic information and passports kept in metal cabinets with three way combination lock. Other records kept in areas with access limited to those whose official duties require access.

Retention and disposal: Retained for four years and then destroyed by shredding or burning.

System manager(s) and address: a. Central Records: Director, Office of Management Operations, Agency for International Development, 320 21st Street, NW, Washington, D.C. 20523.

b. Decentralized Records: Administrative and Executive officers and office supervisors in A.I.D. Washington offices and offices abroad. See Appendix A for actual location of offices.

c. Travel Advance, Employee Case File: Chief, Central Accounts Division, Office of the Controller, 1875 Connecticut Avenue, NW, Washington, D.C.

d. Travel Advance Control History File: Chief, Information Management Division, Office of Data Management, 1875 Connecticut Avenue, NW, Washington, D.C.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

or presented in person at State Annex 2, 515 22nd Street NW, Washington, D.C. 20523.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to §215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

ATTENTION: Executive Secretary—Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary—Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D.—20

System name: Claims Records.

System location: a. Central Records:

Office of Personnel and Manpower, Agency for International Development, 1601 Kent Street, Arlington, Virginia for allowance claims and health benefit claims.

Office of the General Counsel, Agency for International Development, 320 21st Street, NW, Washington, D.C. for tort claims.

Office of Management Operations, Agency for International Development, 320 21st Street, NW, Washington, D.C. 20523 for claims involving loss of private personal property.

Office of Financial Management, Agency for International Development, 1975 Florida Avenue, NW, Washington, D.C. for all other claims.

b. Decentralized records maintained in various Washington offices and offices abroad having responsibilities for initiating requests for claims activity. See Appendix A for actual location of these offices.

Categories of individuals covered by the system: Employees who have filed claims against the Agency and employees against whom the Agency has filed a claim.

Categories of records in the system: a. Central Records: Documentation of claims, voucher disallowances, duplicate payment, and bills for collection.

b. Decentralized Records: Copies of documents maintained in the central records, legal reviews and opinions, and referrals to G.A.O.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, section 621; Foreign Service Act of 1946, as amended; Federal Tort Claims Act and G.A.O. Policy and Procedures Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To U.S. Treasury for payment.

To U.S. Despatch Agents to verify movement of persons and things and costs thereof.

To Office of Operations, Department of State, for review and initial adjudication of private personal property claims.

To the State - A.I.D. - U.S.I.A. Joint Survey Board for review of claims arising from evacuation.

To commercial travel, transportation, and shipping companies and agents to verify actual costs of services;

To the Office of the Director of Medical Services, Department of State to determine validity of medical claims.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, and Members of Congress, for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual or other personal identifier.

Safeguards: Located in metal file cabinets with three-way combination locks in secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained for seven years and then destroyed by shredding or burning.

System manager(s) and address: a. Central Records:

For Allowance Claims: Chief, Foreign Service Technical and Staff Support Branch, Agency for International Development, 515 22nd Street NW, Washington, D.C. 20523.

For Health Benefit Claims: Chief, Employee Relations Branch, Agency for International Development, 515 22nd Street, NW, Washington, D.C. 20523.

For Tort Claims: Deputy General Counsel, Agency for International Development, 320 21st Street, NW, Washington, D.C.

For Private Personal Property Claims: Office of Management Operations, Agency for International Development, 320 21st Street, NW, Washington, D.C. 20523.

For Uncollectable Claims: Assistant Controller, Central Accounting Division, Office of Financial Management, Agency for International Development, 1975 Florida Avenue, Washington, D.C.

b. Decentralized Records: Administrative and Executive Officers in A.I.D. Washington and offices abroad. See Appendix A for actual location of office.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

or presented in person at State Annex 2, 515 22nd Street NW, Washington, D.C. 20523.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to §215.4(c) or (d) of the Agency's rules as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed to:

Administrator
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

ATTENTION: Executive Secretary—Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary—Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D.—21

System name:

Public Information Records.

System location:

a. Principal files are maintained in the Office of Public Affairs, A.I.D., 320 21st Street, NW, Washington, D.C. 20523.

Categories of individuals covered by the system:

Employees of A.I.D., Members of Congress, individuals associated with foreign economic assistance, and individuals requesting information under the Freedom of Information and Privacy Acts.

Categories of records in the system:

Biographical information on Members of Congress, individuals officials within the agency. Biographical information on employees who serve as public speakers, press releases, news clippings, photographs, requests for access to A.I.D. records under the Freedom of Information and Privacy Acts, and related correspondence.

Authority for maintenance of the system:

Foreign Assistance Act of 1961 as amended, especially sections 621, 634(b); Pub. L. 93-502; 5 U.S.C. 301; and the Freedom of Information Act (5 U.S.C. 552).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Administrator and Deputy Administrator for personal contacts.

Persons or organizations requesting A.I.D. to make available an employee to speak in public on A.I.D. activities are provided a biographical sketch of the speaker in order to select and introduce the speaker.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper copies and photographs in file folders. Automated records on magnetic discs and permanently on line at the computer center.

Retrievability:

By name of individual.

Safeguards:

Located in metal file cabinets with three-way combination lock in a secure space or secured premises with access limited to those whose official duties require access. The Resource Allocation Control Facility, in use on our computer system, lessens the potential for unauthorized use.

Retention and disposal:

Destroyed after five years by burning. Computerized records are deleted from the system when no longer needed for daily operations.

System manager(s) and address:

Director, Office of Public Affairs, Agency for International Development, 320 21st Street, NW, Washington, D.C. 20523.

Notification procedure:

Requests by individuals concerning the existence of a record may be addressed to: Director, Office of Public Affairs, Attn: Privacy Liaison Officer, Agency for International Development, 320 21st Street NW, Washington, D.C. 20523, or presented in person at 320 21st Street NW, Washington, D.C. 20523.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security Account Number and dates and places of service.

Record access procedures:

Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to 22 CFR 215.4 (c) or (d).

Contesting record procedures:

Written requests from individuals to amend their record should be mailed or presented in person to the same address as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to: Administrator, Agency for International Development, 320 21st Street NW, Washington, D.C. 20523, Attention: Executive Secretary—Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary, Privacy Review Request.

Record source categories:

Members of Congress, employees, public media information, A.I.D. records, and individuals requesting access to records under the Freedom of Information and Privacy Acts.

A.I.D.--22

System name:

Congressional Relations, Inquiries, and Travel Records.

System location:

a. Principal files are maintained in the Office of Legislative Affairs, A.I.D., 320 21st Street, NW, Washington, D.C. 20523.

b. Records of Congressional inquiries concerning employees of and applicants for employment with the Office of the General Counsel are maintained in the Office of the General Counsel, A.I.D., 320 21st Street, NW, Washington, D.C. 20523.

c. Related files are maintained in certain areas of the field offices listed at Appendix A.

d. Retired files are maintained in the Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system:

Members of Congress, members of their personal staffs and of Congressional Committee staffs; employees of A.I.D. or applicants for employment who are or have been the subject of Congressional inquiries and recommendations.

Categories of records in the system:

Congressional correspondence and memoranda of Congressional telephone calls covering (1) requests for information and assistance on matters related to foreign assistance; (2) requests for assistance from the Agency in arranging official travel overseas by Members of Congress, their staffs or committee staffs to inspect and observe foreign assistance programs abroad, and (3) inquiries about A.I.D. employees and recommendations concerning employees or applicants for employment. Also includes information about individual members of Congress derived from public media sources, including biographic records, and extracts from the Congressional Record.

Authority for maintenance of the system:

Foreign Assistance Act of 1961 as amended, especially section 634(b); 5 U.S.C. 301; 44 U.S.C., Chapters 31 and 33.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper copy in file folders. Automated records on magnetic discs and permanently on line at the computer center.

Retrievability:

By name of Congressman. Access will be limited to individuals with a need to know and have the proper password.

Safeguards:

Except for material completely in the public domain, located in a secure space or secured premises with access limited to those whose official duties require the information. The Resources Allocation Control Facility, in use on our computer system, lessens the potential for unauthorized use.

Retention and disposal:

Except for correspondence involving matters of policy, records are destroyed by burning after no more than 15 years; files related to individual Congressmen are retired at the end of each session of Congress. Records involving policy matters are retained permanently in archival files. The computerized records are deleted from the system when no longer needed for daily operations.

System manager(s) and address:

a. For records maintained at Location (a): Director for Legislative Affairs, A.I.D., 320 21st Street, NW, Washington, D.C. 20523.

b. For records maintained at Location (b): Office of the General Counsel, A.I.D., 320 21st Street, NW, Washington, D.C. 20523.

c. For records maintained at Location (c): Executive Office of the appropriate A.I.D. office listed at Appendix A.

Notification procedure:

Requests by individuals concerning the existence of a record may be addressed to: Director, Office of Public Affairs, Attn: Privacy Liaison Officer, Agency for International Development, 320 21st Street NW, Washington, D.C. 20523, or presented in person at 320 21st Street, NW, Washington, D.C. 20523.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name. For records of Congressional correspondence, include name of Congressman and appropriate session of Congress. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security Account Number and dates and places of service.

Record access procedure:

Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to 215.4 (c) or (d) of the Agency's Regulations as published in this issue of the FEDERAL REGISTER.

Contesting record procedures:

Written requests from individuals to amend their record should be mailed or presented in persons the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to: Administrator, Agency for International Development, 320 21st Street, NW, Washington, D.C. 20523.

Attention: Executive Secretary—Privacy Review Request. Both the envelope and the letter should be clearly marked Attention: Executive Secretary, Privacy Review Request.

Record source categories:

Members of Congress and their staffs; Congressional Committee Members; A.I.D. employees; Congressional Directory, Congressional Quarterly, and Congressional Record; newspapers, magazines, and other public media.

A.I.D.—23

System name: Employees Equal Employment Opportunity Complaint Investigative Records.

Security classification: Confidential.

System location: Files are maintained in the Office of Equal Opportunity, Agency for International Development, 320 21st Street NW, Washington, D.C.

Retired Files, Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: Employees of A.I.D. who have filed a discrimination complaint.

Categories of records in the system: Employee's name, hearing transcripts, depositions, witness statements, salary, grade, supervisor's evaluation, biographic data.

Authority for maintenance of the system: Executive Order 11478 of Aug. 8, 1969; and Federal Personnel Manual Chapter 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To the Civil Service Commission for the purposes of compiling statistics on employees.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, and Members of Congress, for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Located in metal file cabinets with three-way combination lock in secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained for three years after the closing of a case and are then retired to the Washington National Records Center for 10 years after termination of employee or 20 years after last entry in file.

System manager(s) and address: Director, Equal Opportunity Programs at the location shown in System Location Section above.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a (k)(5) is exempted from the notice, access, and contest requirements of Sections (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) of 5 U.S.C. 552a in order to fulfill commitments made to protect the confidentiality of sources. See Agency Regulations published in this issue of the Federal Register.

A.I.D.—24

System name: Emergency Case File.

System location: a. Central records located in A.I.D. Washington Headquarters.

b. Decentralized records maintained in various Washington offices and offices abroad having responsibilities for administrative processing. See Appendix A for office locations.

c. For retired records: Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: A.I.D. employees and employees of other U.S. Government Agencies assigned to A.I.D.

Categories of records in the system: a. Material and claims connected with employee deaths, employee emergency locator cards, blood donor records and emergency visitation travel.

b. Decentralized Records: Copies of documents maintained in the central records.

Authority for maintenance of the system: Foreign Assistance Act of 1961, as amended; Foreign Service Act of 1946, as amended and Title 5, Subchapter VIII.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To survivors of employees for the purpose of settling claims and to families of employees for emergency visitation travel arrangements and arrival notifications.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, and Members of Congress, for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Safeguarded in metal file cabinets with three-way combination locks.

Retention and disposal: Cases related to employee death are retained for three years and then retired to Washington National Records Center for permanent retention. Emergency locator cards and blood donor records are destroyed when obsolete. Emergency visitation records are filed in Official Personnel Folder upon completion of travel.

System manager(s) and address: a. Central Records: Chief, Employee Relations Branch, Office of Personnel and Manpower, Agency for International Development, Washington, D.C.

b. Decentralized Records: Administrative and Executive officers and office supervisors in A.I.D. Washington offices and offices abroad. See Appendix A for actual location of offices.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

or presented in person at State Annex 2, 515 22nd Street NW, Washington, D.C. 20523.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to §215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

ATTENTION: Executive Secretary—Privacy Review Request. Both the envelope and the letter should be clearly marked Attention: Executive Secretary—Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D.—25

System name: Privacy Act Implementation Records.

System location: Office of Personnel and Manpower, Personnel Services Division, 515 22nd Street NW, Washington, D.C. 20523.

Categories of individuals covered by the system: Individuals, U.S. Federal and local governments, and Members and Committees of Congress.

Categories of records in the system: Correspondence and other documents related to requests for information about the existence of

records, requests for access to information, requests for amendments to records, and requests for review of refusals to amend records.

Authority for maintenance of the system: Privacy Act of 1974 (Pub.L. 93-579), sec. 552a (c), (e), (f), and (p); and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, and Members of Congress, for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Maintained in metal containers with three-way combination locks and accessible only to authorized personnel with a need for the information in the performance of their official duties.

Retention and disposal: Records are retained for one year and then retired to the Washington National Records Center for ten years before destruction.

System manager(s) and address: Privacy Liaison Officer, Office of Personnel and Manpower, Agency for International Development, 515 22nd Street NW, Washington, D.C. 20523.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

or presented in person at State Annex 2, 515 22nd Street NW, Washington, D.C. 20523.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to §215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, NW
Washington, D.C. 20523

ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention, Executive Secretary-Privacy Review Request.

Record source categories: Individuals and Agency employees acting in their official capacities.

A.I.D.—26

System name: Litigation Records.

Security classification: Secret.

System location: a. Active files are maintained at the Office of the General Counsel, Agency for International Development, 320 21st Street, NW, Washington, D.C. 20523.

b. Retired records are maintained at the Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: Foreign Service employees, Civil Service employees, personal services contractors, former employees, and members of the public.

Categories of records in the system: Correspondence and other documents relating to disputed contracts, and tort claims against the Agency, and other claims and actions against the Agency.

Authority for maintenance of the system: Foreign Assistance Act of 1961, as amended; Foreign Service Act of 1946, as amended; Tort Claims Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, and Members of Congress, for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of employee and calendar year.

Safeguards: Maintained in combination vault insulated against fire and located in secure premises with access limited to those whose official duties require access.

Retention and disposal: Maintained for two years following settlement of case and then retired to Washington National Records Center for five years prior to destruction.

System manager(s) and address: Assistant General Counsel for Management and Administration, Office of the General Counsel, Agency for International Development, 320 21st Street, Washington, D.C. 20523.

Systems exempted from certain provisions of the act: This system is exempt under 5 U.S.C. 552a (k)(1), (k)(2), and (k)(5) from the notice, access, and contest requirements of Sections (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) of 5 U.S.C. 552a. These exemptions are claimed to protect the materials required by Executive Order to be kept secret in the interest of national defense or foreign policy, to prevent subjects of investigation from frustrating the investigatory process, to insure the proper functioning and integrity of law enforcement activities, to prevent disclosure of investigative techniques, to maintain the ability to obtain candid and necessary information, to fulfill commitments made to sources to protect the confidentiality of information, and to avoid endangering these sources. See Agency Regulations published in this issue of the Federal Register.

Title 22-Foreign Relations

Chapter II-Agency for International Development, International Development Cooperation Agency

PART 215—REGULATIONS FOR IMPLEMENTATION OF PRIVACY ACT OF 1974

Sec.

- 215.1 Purpose and scope.
- 215.2 Definitions.
- 215.3 Procedures for requests pertaining to individual records in a system of records.
- 215.4 Times, places and requirements for identification of individuals making requests.
- 215.5 Access to requested information by individuals.
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- 215.10 Disclosure of record to person other than the individual to whom it pertains.
- 215.11 Fees.
- 215.12 Penalties and remedies.
- 215.13 General exemptions.
- 215.14 Specific exemptions.

Appendix A—Agency for International Development, address and locations of office referenced in the regulations and notices

Authority: Sec. 621, Foreign Assistance Act of 1961, as amended, (22 U.S.C. 2381; 75 Stat. 445); secs. 3, 4, Administrative Procedures Act (5 U.S.C. 553; 60 Stat. 237); Privacy Act of 1974 (Pub. L. 93-579; 5 U.S.C. 552a; 88 Stat. 1896).

Source: A.I.D. Reg. 15, 40 FR 45679, Oct. 2, 1975, unless otherwise noted.

§ 215.1 Purpose and scope.

(a) It is the purpose and objective of the International Development Cooperation Agency and the Agency for International Development to collect information, revise personal data collection forms or processes, and maintain Agency records in a manner that will prevent an unwarranted invasion of privacy of those individuals who are the subjects of Agency records.

(b) These regulations establish the procedures by which an individual may obtain notification of the existence of Agency records pertaining to that individual, gain access to those records, request an amendment or correction to the records, and appeal adverse decisions to requests for amendment or correction of Agency records.

(c) The Agency separately states and publishes in the **Federal Register** a public notice of the existence and character of systems maintained by the Agency, pursuant to the provisions of

sections (e)(4) and (e)(11) of the Privacy Act of 1974 (5 U.S.C. 552a; 88 Stat. 1896).

[A.I.D. Reg. 15, 40 FR 45679, Oct. 2, 1975, as amended at 45 FR 20790, Mar. 31, 1980]

§ 215.2 Definitions.

(a) "Act" means the Privacy Act of 1974 (5 U.S.C. 552a; 88 Stat. 1896);

(b) "Agency" means the International Development Cooperation Agency or the Agency for International Development, its offices, bureaus, divisions, and posts abroad;

(c) "Amend" shall include the amendment or correction of a record;

(d) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(e) "Maintain" includes maintain, collect, use or disseminate;

(f) "Record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

(g) "Routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected;

(h) "Statistical Record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of title 13;

(i) "System of Records" means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

[A.I.D. Reg. 15, 40 FR 45679, Oct. 2, 1975, as amended at 45 FR 20790, Mar. 31, 1980]

§ 215.3 Procedures for requests pertaining to individual records in a system of records.

(a) Requests for notification of access to or amendment of Agency records contained in a system of record pertaining to an individual may be made in person or by mail as follows:

For I.D.C.A.

Assistant Director for Administration,
International Development Cooperation
Agency, Room 3929 New State, 320 21st
Street, NW, Washington, D.C. 20523.
Attention: Privacy Act Officer.

For A.I.D.

Privacy Liaison Officer, Agency for
International Development, Room 2728
New State, 320 21st Street, NW,
Washington, D.C. 20523.

(b) Such request should include information necessary to identify the record, e.g., the individual's full name, date of birth, place of birth, present mailing address, system of record identification name and number, if known, and, to facilitate the retrieval of records contained in those systems of records which are retrievable by social security numbers, the social security number of the individual to whom the record pertains.

(c) With respect to a system of records which may be maintained by the Agency in offices outside the United States, an individual may inquire whether he or she is the subject of an Agency record or may request access to or amendment of such records by appearing in person or by writing to the Privacy Liaison Officer, Agency for International Development, at the address given for the applicable country in Appendix A of this part.

(d) The Assistant Director for Administration for requests to I.D.C.A. or the appropriate Privacy Liaison Officer for request to A.I.D., or their designees, shall, within ten (10) working days of receipt of the request, furnish in writing to the requesting individual notice of the existence or nonexistence of any records described in the request.

§ 215.4 Times, places, and requirements for identification of individuals making requests.

(a) Individuals making personal requests for notification, access or contest may do so at the place designated in paragraph (a) of § 215.3, which is open from 9 a.m. to 5 p.m. daily, except Saturdays, Sundays, and Legal Public Holidays.

(b) Individuals making personal requests for notification, access or contest at offices outside the United States may do so at the places designated in paragraph (c) of § 215.3, during the regular business hours of those offices.

(c) An individual requesting such information in person shall provide such personal identification as is reasonable under the circumstances to verify the individual's identity; e.g., driver's license, employee identification card, or medicare card.

(d) An individual requesting such information by mail shall include in his or her request a signed notarized statement to verify his or her identity and which stipulates that the individual

understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine up to \$5,000, as provided in section (i)(3) of the Act.

(e) Verification of identity as set forth in paragraphs (c) and (d) of this section shall not be required of individuals seeking access to records otherwise available to any member of the public under the Freedom of Information Act (5 U.S.C. 552; 88 Stat. 1561).

(f) An individual who wishes to be accompanied by another person when reviewing a record shall furnish the Agency with a written statement authorizing discussion of his or her record in the presence of the accompanying person. Such statement need not contain any reasons for the access or for the accompanying person's presence.

§ 215.5 Access to requested information by individuals.

(a) Upon receipt of a request by an individual made in accordance with the provisions of § 215.3, such individual shall be granted access to any record pertaining to him or her which is contained in a system of records maintained by the Agency.

(b) Notwithstanding the provisions of paragraph (a) of this section, access will not be allowed an individual to information or records compiled by the Agency in reasonable anticipation of a civil or criminal action or proceeding.

(c) Whenever possible, access to requested records will be granted:

(1) Where the request is presented in person and the record is readily available, promptly upon receipt of the request for access, determination that access to the record may be granted, verification of the identity of the individual seeking access, and, where applicable, receipt of consent to discuss the record with a person accompanying the individual;

(2) Where the request is made by mail, the record will, whenever possible, be provided within ten (10) working days of receipt of the request.

(d) Where access to a record cannot reasonably be granted as provided in paragraphs (c) (1) and (2) of this section, the Agency will acknowledge in writing receipt of the request for access and indicate a reasonable time within which access to the record can be granted.

(e) Where no reasonable means exist for an individual to have access to his or her record in person, a copy of the record may be provided through the mail. No fee will be charged for providing copies pursuant to this subsection.

§ 215.6 Special procedures: Medical records.

If the Assistant Director for Administration or the Privacy Act Liaison Officer determines that the release directly to the individual of medical records maintained by the Agency could have an adverse effect upon such individual, the director will attempt to arrange an acceptable alternative (such as the release of said information to a doctor named by the individual) in granting access to such record.

[A.I.D. Reg. 15, 40 FR 45679, Oct. 2, 1975, as amended at 45 FR 20790, Mar. 31, 1980]

§ 215.7 Request for correction or amendment of record.

(a) An individual may request the Agency to correct or amend a record pertaining to him or her which the individual believes is not accurate, relevant, timely or complete.

(b) Such request must be in writing and must be presented, in person or by mail to the addresses listed in § 215.3(a).

(c) Such requests, whether or not submitted on forms provided therefor, must set forth the following information:

(1) Identification of the system of records in which the particular record is maintained;

(2) The portion(s) of the record to be amended or corrected;

(3) The desired amendment or correction;

(4) The reasons for the amendment or correction; and the request must be accompanied by evidence, documentation, or other information in support of the request.

(d) Assistance in preparing a request to amend a record may be obtained from the officials listed in § 215.3(a).

[A.I.D. Reg. 15, 40 FR 45679, Oct. 2, 1975, as amended at 45 FR 20790, Mar. 31, 1980]

§ 215.8 Agency review of requests for amendment of record.

(a) The Agency will examine the information requested to be amended to determine its accuracy, timeliness, and completeness, and its relevancy and necessity to accomplish a purpose of the Agency required to be accomplished by statute or by executive order.

(b) Within ten (10) working days after the receipt by the Assistant Director for Administration or the Privacy Liaison Officer of a request made in accordance with this section, the Assistant Director for Administration or the Privacy Liaison Officer shall acknowledge in writing such receipt and shall, after examination in accordance with the provisions of paragraph (a) of this section, promptly either:

(1) Make any amendment of any portion thereof which the individual believes is not accurate, relevant, timely or complete, and notify the individual of the amendment made; or

(2) Inform the individual of the Agency's refusal to amend the record in accordance with the request, the reason(s) for the refusal, and the procedures established by the Agency for the individual to request a review of that refusal.

(c) If the Agency agrees with the individual's request to amend a record, in addition to proceeding as set forth in paragraph (b)(1) of this section, it shall promptly advise all previous recipients of the record of the fact that the amendment was made and the substance of the amendment where an accounting of disclosures has been made.

(d) If unusual circumstances prevent the completion of Agency action on the request to amend within 30 days after the receipt thereof by the Assistant Director for Administration or the Privacy Liaison Officer, the individual will be promptly advised of the delay, the reasons for the delay, and of the date by which the review is expected to be completed.

(e) If the Agency, after its initial examination of the record and the request for Amendment, disagrees with all or any part of the individual's request to amend it shall:

(1) To the extent the Agency agrees with any part of the individual's request to amend, proceed as described in paragraphs (b)(1) and (c) of this section;

(2) Advise the individual of its refusal and the reason(s) therefor;

(3) Inform the individual that he or she may request a further review by Director or Administrator, or their designees; and

(4) Describe the procedures for requesting such a review, including the name and address of the official to whom the request should be directed.

(f) No part of these regulations shall be construed to permit:

(1) The alteration of evidence presented in the course of judicial, quasi-judicial or quasi-legislative proceedings;

(2) Collateral attack upon any matter which has been the subject of judicial or quasi-judicial action; or

(3) An amendment or correction which would be in violation of an existing statute, executive order or regulation.

[A.I.D. Reg. 15, 40 FR 45679, Oct. 2, 1975, as amended at 45 FR 20790, Mar. 31, 1980]

§ 215.9 Appeal of initial adverse agency determination.

(a) An individual who disagrees with the denial or partial denial of his or her request to amend a record may file a request for review of such refusal within 60 days after the date of notification of the denial or partial denial.

(b) The request for review must be in writing and may be presented in person or by mail to:

Director, International Development
Cooperation Agency, 320 21st Street, NW,
Washington D.C. 20523. Attention:
Executive Secretary, Privacy Review
Request.

Administrator, Agency for International
Development, 320 21st Street, NW,
Washington, D.C. 20523. Attention:
Executive Secretary, Privacy Review
Request.

Both the envelope and the letter should be clearly marked: *Attention: Executive Secretary, Privacy Review Request.* Such request should include any documentation, information or statements advanced for the amendment of the record, and a copy of the initial adverse determination.

(c) Upon receipt of the request for review, the Director or the Administrator, or an officer of the Agency designated in writing by the Director or Administrator, shall undertake an independent review of the initial determination.

(d) If someone other than the Director or the Administrator is designated to conduct the review, he or she shall be an officer who is organizationally independent of or senior to the officer or employee who made the initial determination.

(e) In conducting the review, the reviewing official may, at his or her option, request such additional information as is deemed necessary to establish that the record contains only that information which is accurate, timely, complete and necessary to assure fairness in any determination which may be made about the individual on the basis of the record.

(f) Within 30 days after receipt of the request for review, the Director, the Administrator, or the official designated to conduct the review, shall advise the individual of the Agency's final decision. If unusual circumstances prevent the completion of the review within the 30-day period, the Agency shall, prior to the expiration of the 30-day period, advise the individual in writing of the circumstances preventing the completion of such review and inform him or her of the date by which the review is expected to be completed.

(g) If the reviewing official determines that the record should be amended in

accordance with the individual's request, the Agency shall:

(1) Amend the record accordingly;

(2) Advise the individual of the amendment; and

(3) Where an accounting of disclosures has been made, advise all previous recipients of the fact that the amendment was made and the nature of the amendment.

(h) If, after conducting the review, the reviewing official refuses to amend the record, in whole or in part, in accordance with the individual's request, Agency shall advise the individual:

(1) Of its refusal and the reasons therefor;

(2) Of the individual's right to file a concise statement of his or her reasons for disagreeing with the Agency's decision;

(3) Of the procedures for filing a statement of disagreement;

(4) That any such statement will be made available to anyone to whom the record is subsequently disclosed, together with a brief statement by the Agency summarizing its reasons for refusing to amend the record;

(5) That to the extent an accounting of disclosure was maintained, prior recipients of the disputed record will be provided a copy of any statement of disagreement and of the Agency's statement summarizing its reasons for refusing to amend the record; and

(6) Of the individual's right to seek judicial review of the Agency's refusal to amend a record as provided for in section (g)(1)(a) of the Act.

[A.I.D. Reg. 15, 40 FR 45679, Oct. 2, 1975, as amended at 45 FR 20790, Mar. 31, 1980]

§ 215.10 Disclosure of record to person other than the individual to whom it pertains.

(a) Subject to the conditions of paragraphs (b) and (c) of this section, the Agency shall not disclose any record which is contained in a system of records by any means of communication to any person or other agency who is not the individual to whom the record pertains.

(b) Upon written request or with prior written consent of the individual to whom the record pertains, the Agency may disclose any such record to a person or to another agency as requested or authorized.

(c) Notwithstanding the absence of written consent from the individual to whom the record pertains, the Agency may disclose any such record provided such disclosure is:

(1) To those officers and employees of the Agency who have a need for the

record in the performance of their duties;

(2) Required under the Freedom of Information Act (5 U.S.C. 552);

(3) For a routine use as defined in § 215.2;

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13 of the United States Code;

(5) To a recipient who has provided the Agency with adequate advance written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his or her designee, to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity authorized by law: *Provided*, The head of the agency or instrumentality has made a prior written request to the Assistant Administrator of Administration or the Privacy Liaison Officer specifying the particular record and the law enforcement activity for which it is sought;

(8) To a responsible person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification will be transmitted to the last known address of such individual;

(9) To either House of Congress, and to the extent of a matter within its jurisdiction, any committee or subcommittee, or joint committee of Congress, or subcommittee of such joint committee;

(10) To the Comptroller General, or any of his or her authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to an order of a court of competent jurisdiction.

[A.I.D. Reg. 15, 40 FR 45679, Oct. 2, 1975, as amended at 45 FR 20790, Mar. 31, 1980]

§ 215.11 Fees.

(a) Except as provided in paragraph (b) of this section, and § 215.5(e), fees for copies of records and documents will be charged at the rate of 10 cents per

page (one side), limited to size 8½" by 14" or smaller.

(b) No fees will be charged for providing the first copy of a record or any portion thereof to individuals to whom the record pertains.

(c) If special handling or other than first-class mail is requested or required, the costs thereof shall be added to the basic fee.

(d) Remittance may be in the form of a check, bank draft on a bank in the United States, or postal money order, payable to the Treasurer of the United States, or cash.

(e) A receipt for fees paid will be given only upon request.

§ 215.12 Penalties and remedies.

The provisions of the Act relating to penalties and remedies are summarized below:

(a) An individual may bring a civil action against the Agency when the Agency:

(1) Makes a determination not to amend a record in accordance with the individual's request;

(2) Refuses to comply with an individual's request pursuant to 5 U.S.C. 552a (d)(1);

(3) Fails to maintain a record concerning an individual with such accuracy, relevance, timeliness and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or opportunities of, or benefits to the individual that may be made on the basis of such record, and as a result thereof a determination is made which is adverse to the individual; or

(4) Fails to comply with any other provision of section (d) of the Act in such a way as to have an adverse effect on an individual.

(b) The court may order the correction or amendment of the record, may enjoin the Agency from withholding the records, may order the Agency to produce any records improperly withheld, and may assess attorneys' fees and costs.

(c) Where a court of competent jurisdiction makes a determination that the Agency action was willful or intentional with respect to 5 U.S.C. 552a (g)(1) (c) or (d), the United States shall be liable for actual damages of no less than \$1,000, the costs of the action, and attorneys' fees.

(d) Criminal penalties may be imposed against an officer or employee of the Agency who willfully discloses material which he or she knows is prohibited from disclosure, or who maintains a system of records without complying with the notice requirements.

(e) Criminal penalties may be imposed against any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses. The offenses enumerated in paragraph (d) of this section and this paragraph (e) are misdemeanors, with fines not to exceed \$5,000.

§ 215.13 General exemptions.

(a) Pursuant to 5 U.S.C. 552a (j)(2), the Director or the Administrator may, where there is a compelling reason to do so, exempt a system of records within the Agency from any part of the Act, except subsections (b), (c) (1) and (2), (e)(4)(A) through (F), (e) (6), (7), (9), (10), and (11), and (i) thereof, if the system of records is maintained by the Agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon, or parole authorities, and which consists of:

(1) Information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status;

(2) Information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or

(3) Reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision.

(b) Each notice of a system of records that is the subject of an exemption under this section will include a statement that the system has been exempted, the reasons therefor, and a reference to the **Federal Register** issue where the exemption rule can be found.

(c) The systems of records to be exempted under section (j)(2) of the Act, the provisions of the Act from which they are being exempted, and the justification for the exemptions, are set forth below:

(1) **Criminal Law Enforcement Records.** This system of records is to be exempted from sections (c) (3) and (4), (d), (e) (1), (2), and (3), (e) (4) (G), (H), and (I), (e) (5) and (8), (f), (g) and (h) of the Act. These exemptions are necessary to insure the proper functioning of the law enforcement activity, to protect confidential sources

of information, to fulfill promises of confidentiality, to maintain the integrity of the law enforcement procedures, to avoid premature disclosure of the knowledge of criminal activity and the evidentiary bases of possible enforcement actions, to prevent interference with law enforcement proceedings, to avoid the disclosure of investigative techniques, and to avoid the endangering of law enforcement personnel.

[A.I.D. Reg. 15, 40 FR 45679, Oct. 2, 1975, as amended at 45 FR 20790, Mar. 31, 1980]

§ 215.14 Specific exemptions.

(a) Pursuant to 5 U.S.C. 552a(k) the Director or the Administrator may, where there is a compelling reason to do so, exempt a system of records, from any of the provisions of subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Act if a system of records is:

(1) Subject to the provisions of 5 U.S.C. 552(b)(1);

(2) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of the Act: *Provided, however*, That if any individual is denied any right, privilege, or benefit to which he or she would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

(3) Maintained in connection with providing protective services to the President of the United States or other individuals pursuant to 18 U.S.C. 3056;

(4) Required by statute to be maintained and used solely as statistical records;

(5) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

(6) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service, the disclosure of which would compromise the objectivity or fairness of the testing or examination process; or

(7) Evaluation material used to determine potential for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

(b) Each notice of a system of records that is the subject of an exemption under 5 U.S.C. 552a(k) will include a statement that the system has been exempted, the reasons therefor, and a reference to the **Federal Register** issue where the exemption rule can be found.

(c) The systems of records to be exempted under section (k) of the Act, the provisions of the Act from which they are being exempted, and the justification for the exemptions, are set forth below:

(1) *Criminal Law Enforcement Records.* If the 5 U.S.C. 552a(j)(2) exemption claimed under paragraph (c) of § 215.13 and on the notice of systems of records to be published in the **Federal Register** on this same date is held to be invalid, then this system is determined to be exempt, under 5 U.S.C. 552(a)(k) (1) and (2) of the Act, from the provisions of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f). The reasons for asserting the exemptions are to protect the materials required by Executive Order to be kept secret in the interest of the national defense or foreign policy, to prevent subjects of investigation from frustrating the investigatory process, to insure the proper functioning and integrity of law enforcement activities, to prevent disclosure of investigative techniques, to maintain the ability to

obtain necessary information, to fulfill commitments made to sources to protect their identities and the confidentiality of information and to avoid endangering these sources and law enforcement personnel.

(2) *Personnel Security and Suitability Investigatory Records.* This system is exempt under 5 U.S.C. 552a (k)(1), (k)(2), (k)(3), and (k)(5) from the provisions of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f). These exemptions are claimed to protect the materials required by Executive Order to be kept secret in the interest of national defense or foreign policy, to prevent subjects of investigation from frustrating the investigatory process, to insure the proper functioning and integrity of law enforcement activities, to prevent disclosure of investigative techniques, to assure the protection of the President, to maintain the ability to obtain candid and necessary information, to fulfill commitments made to sources to protect the confidentiality of information, to avoid endangering these sources and, ultimately, to facilitate proper selection or continuance of the best applicants or persons for a given position or contract. Special note is made of the limitation on the extent to which this exemption may be asserted.

(3) *Litigation Records.* This system is exempt under 5 U.S.C. 552a(k)(1), (k)(2), and (k)(5) from the provisions of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f). These exemptions are claimed to protect the materials required by Executive Order to be kept secret in the interest of national defense or foreign policy, to prevent subjects of investigation from frustrating the investigatory process, to insure the proper functioning and integrity of law enforcement activities, to prevent disclosure of investigative techniques, to maintain the ability to obtain candid and necessary information, to fulfill commitments made to sources to protect the confidentiality of information, to avoid endangering these sources and, ultimately, to facilitate proper selection

or continuance of the best applicants or persons for a given position or contract.

(4) *Employee Equal Employment Opportunity Complaint Investigatory Records.* This system is exempt under 5 U.S.C. 552a (k)(1), (k)(2), (k)(4), and (k)(5) from the provisions of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f). These exemptions are claimed to protect the materials required by Executive Order to be kept secret in the interest of national defense or foreign policy, to prevent subjects of investigation from frustrating the investigatory process, to insure the proper functioning and integrity of law enforcement activities, to prevent disclosure of investigative techniques, to maintain the ability to obtain candid and necessary information, to fulfill commitments made to sources to protect the confidentiality of information, to avoid endangering these sources and, ultimately, to facilitate proper selection or continuance of the best applicants or persons for a given position or contract, and to prevent interference with a legitimate, Congressionally sanctioned activity.

(5) The following systems of records are exempt under 5 U.S.C. 552a (k)(5) from the provisions of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f):

(i) Employee Conduct and Discipline Records.

(ii) Employee Relations Records.

This exemption is claimed for these systems of records to maintain the ability to obtain candid and necessary information, to fulfill commitments made to sources to protect the confidentiality of information, to avoid endangering these sources and, ultimately, to facilitate proper selection or continuance of the best applicants or persons for a given position or contract. Special note is made of the limitation on the extent to which this exemption may be asserted. The existence and general character of the information exempted will be made known to the individual to whom it pertains.

APPENDIX A—Agency for International Development, address and locations of office referenced in the regulations and notices

Mailing address	Location
OFFICE	
In the United States:	
State Department	A.I.D., Washington, D.C. 20523
State Department, Annex 2	do
State Department, Annex 5	do
State Department, Annex 11	do
Universal North Building	do
Pomponio Plaza Building	do
Rosslyn Plaza "E" Building	do
Rosslyn Plaza "C" Building	do
New Cumberland	A.I.D. Excess Property Division, Building 54-5, New Cumberland Army Depot, New Cumberland, Pa. 17070.
	320 21st St. NW., Washington, D.C. 515 22d St. NW., Washington, D.C. 1901 Pennsylvania Ave. NW., Washington, D.C. 1401 Wilson Blvd., Arlington, Va. 1975 Florida Ave. NW., Washington, D.C. 1735 North Lynn St., Arlington, Va. 1621 N. Kent St., Arlington, Va.

APPENDIX A—Agency for International Development, address and locations of office referenced in the regulations and notices—Continued

	Mailing address	Location
MISSION		
II Abroad		
Afghanistan	USAID to Afghanistan, c/o American Embassy, Kabul, Afghanistan	Wazir Abkar Khan Mina, Kabul, Afghanistan
Bangladesh	USAID, c/o American Embassy, Dacca, Bangladesh	Adamjee Court Bldg, Montitheel, Dacca, Bangladesh
Brazil	USAID to Brazil, CAIZA Postal 14-2324, Brasilia D.F., Brazil	Ed. Banderantes, SCS Q. 17, Lote 2/5, Brasilia, Brazil
British Honduras	American Consulate, Belize City, British Honduras	Gabourel Lane and Hutson St., Belize City, Belize
Bolivia	USAID to Bolivia, c/o American Embassy, La Paz, Bolivia	363 Almirante Grau St., La Paz, Bolivia
Chad	Country Development Officer, c/o American Embassy, N'Djamena, Chad	Rue du Lt. Col. Colonna d'Ornano, N'Djamena, Chad
Cameroon	Area Development Office, c/o American Embassy, Yaounde, Cameroon	Rue Nachtigal, Yaounde, Cameroon
Chile	USAID to Chile, c/o American Embassy, Santiago, Chile	Avenida B. O'Higgins No. 1146, Santiago, Chile
Colombia	USAID to Colombia, c/o American Embassy, Bogota, Colombia	Carrera 10 Nr 28-49, Bogota, Colombia
Costa Rica	Office of AID Affairs, c/o American Embassy, San Jose, Costa Rica	Avenida 3 Calle 1, San Jose, Costa Rica
Dominican Republic	USAID to Dominican Republic, c/o American Embassy, Santo Domingo, Dominican Republic	Calle Cesar Nicolas Pensen and Calle Leopoldo Navarro, Santo Domingo, Dominican Republic
Ecuador	USAID to Ecuador, c/o American Embassy, Quito, Ecuador	120 Avenida Patna, Quito, Ecuador
Egypt	USAID, American Embassy, Cairo, Egypt	5 Shana Latin America, Cairo, Egypt
El Salvador	USAID to El Salvador, c/o American Embassy, San Salvador, El Salvador	No. 1230, 25 Avenida Norte, San Salvador, El Salvador
Ethiopia	USAID to Ethiopia, c/o American Embassy, Addis Ababa, Ethiopia	Crown Prince Asfaw Wossen St., Addis Ababa, Ethiopia
France	U.S. Mission to the OECD, c/o American Embassy, Paris, France	13 Villa Croix Nivert, Paris, France
Ghana	USAID, P.O. Box 1630, Accra, Ghana	Liberia and Rowe Roads, Accra, Ghana
Guatemala	USAID/ROCAP, c/o American Embassy, Guatemala City, Guatemala	USAID/ROCAP, 7-86, 8th St., Zone 9, Guatemala City, Guatemala
Guyana	USAID to Guyana, c/o American Embassy, Georgetown, Guyana	65 Main St., Georgetown, Guyana
Haiti	Office of AID Representative, American Embassy, Port au Prince, Haiti	American Embassy, Harry Truman Blvd., Port au Prince, Haiti
Honduras	USAID to Honduras, c/o American Embassy, Tegucigalpa, Honduras	Avenida La Paz, Tegucigalpa, Honduras
Iceland	American Embassy, Reykjavik, Iceland	Laufasvegur 21, Reykjavik, Iceland
India	USAID to India, c/o American Embassy, New Delhi, India	Shanti Path, Chanakyapuri 21, New Delhi, India
Indonesia	USAID to Indonesia, c/o American Embassy, Jakarta, Indonesia	Medan Merdeka, Selatan 5, Jakarta, Indonesia
Italy	American Embassy, Rome, Italy	Via Veneto 119, Rome, Italy
Ivory Coast	Regional Economic Development Services Offices/West Africa, c/o American Embassy, Abidjan, Ivory Coast	5, Rue Jesse Owens, Abidjan, Ivory Coast
Jamaica	Office of AID Affairs, c/o American Embassy, Kingston, Jamaica	American Embassy, 43 Duke St., Kingston, Jamaica
Jordan	American Embassy, Amman, Jordan	Jebel Amman, Amman, Jordan
Kenya	USAID to Kenya, P.O. Box 30261, Nairobi, Kenya	Cotts House, Eliot St., Nairobi, Kenya
Korea	USAID to Korea, c/o American Embassy, Seoul, Korea	New Seoul Bldg, 1503 62-7, 2-KA, Chungmu-Ro, Chung-Ku, Seoul, Korea
Lebanon	AID Regional Training Office, c/o American Embassy, Beirut, Lebanon	Corniche at Rue Av. Mreisseh, Beirut, Lebanon
Liberia	USAID P.O. Box 1445, Monrovia, Liberia	United Nations Dr., Monrovia, Liberia
Mali	Country Development Officer, c/o American Embassy, Bamako, Mali	Rue Testard and Rue Mohamed V, Bamako, Mali
Mauritania	Country Development Officer, c/o American Embassy, Nouakchott, Mauritania	American Embassy, Nouakchott, Mauritania
Mexico	Office of AID Affairs, c/o American Embassy, Mexico D.F., Mexico	Cor. Danubio and Paseo de la Reforma, 305, Colonia Cuauhtemoc, Mexico D.F., Mexico
Morocco	USAID to Morocco, c/o American Embassy, Rabat, Morocco	2 Ave. de Marrakech, Rabat, Morocco
Nepal	USAID to Nepal, c/o American Embassy, Kathmandu, Nepal	Rabi Bhawan, Kathmandu, Nepal
Nicaragua	USAID to Nicaragua, c/o American Embassy, Managua, Nicaragua	Boulevard Somoza, Managua, Nicaragua
Niger	Area Development Office, c/o American Embassy, Niamey, Niger	Yantala Road, Niamey, Niger
Nigeria	USAID to Nigeria, c/o American Embassy, Lagos, Nigeria	1/3 Moloney St., Lagos, Nigeria
Pakistan	USAID, P.O. Box 1208, Islamabad, Pakistan	Diplomatic Enclave, Ramna 4, Islamabad, Pakistan
Panama	USAID to Panama, c/o American Embassy, Panama City, Panama	USAID Main Bldg., Cemento Panama Bldg., Manuel Espinosa Batista, Panama City, Panama
Paraguay	USAID to Paraguay, c/o American Embassy, Asuncion, Paraguay	390 Kubitschek, Asuncion, Paraguay
Peru	USAID to Peru, c/o American Embassy, Lima, Peru	Av. Espena 386, Lima, Peru
Philippines	USAID to the Republic of the Philippines, c/o American Embassy, Manila, Philippines	1680 Roxas Blvd., Manila, Philippines
Portugal	American Embassy, Lisbon, APO New York 09678	Avenida Duque de Loule No. 39, Lisbon, Portugal
Puerto Rico	c/o Assistant Secretary, International Exchange, Department of State, Commonwealth of Puerto Rico, San Juan, Puerto Rico	OTC, San Juan, Puerto Rico
Senegal	Area Development Office, c/o American Embassy, Dakar, Senegal	BIAO Building, Place de l'Independence, Dakar, Senegal
Sri Lanka	Office of AID Representative c/o American Embassy, Colombo, Sri Lanka	44 Galle Road, Colpetty, Colombo, Sri Lanka
Sudan	AID Affairs Office, c/o Embassy of the Netherlands, Khartoum, Sudan	Gambouria Ave., Khartoum, Sudan
Swaziland	Office of Southern African Regional Activities, Coordination/Mbabane, c/o American Embassy, Mbabane, Swaziland	OSA RAC-Hdqs, 218 Gifflin St., Mbabane, Swaziland
Switzerland	U.S. Mission to International Organization, c/o Amemb, Geneva, Switzerland	80 Rue de Lausanne, Geneva, Switzerland
Syria	Office of AID Representative, c/o American Embassy, Damascus, Syria Arab Republic	Chare (Ave.) Al-Mansour, Al-J, Rummanih, Damascus, Syria
Taiwan	Office of AID Affairs, c/o American Embassy, Taipei, Taiwan	No. 2 Chung Hsiao West Road, Second Section, Taipei, Taiwan
Tanzania	USAID to the United Republic of Tanzania, c/o American Embassy, Dar es Salaam, Tanzania	National Bank of Commerce Bldg on City Drive, Dar es Salaam, Tanzania
Thailand	USOM, c/o American Embassy, Bangkok, Thailand	95 Wireless Road, Bangkok, Thailand

PRIVACY ACT RULES

APPENDIX A—Agency for International Development, address and locations of office referenced in the regulations and notices—Continued

	Mailing address	Location
Togo	Area Development Officer, c/o American Embassy, Niamey, Niger	Rue Peltier Cavenor and rue Vauban, Lome, Togo.
Tunisia	USAID to Tunisia, c/o American Embassy, Tunis, Tunisia	149 Avenue de la Liberte, Tunis, Tunisia.
Turkey	USAID, PK 99, Cankaya, Ankara, Turkey	Cinnah Caddesi, No. 16, Ankara, Turkey.
Upper Volta	AID Country Development Officer, c/o American Embassy, Ouagadougou, Upper Volta.	Boite Postale 35, Ouagadougou, Upper Volta.
Uruguay	Office of AID Representative/Montevideo, c/o American Embassy, Montevideo, Uruguay.	Lauro Muller 1776, Montevideo, Uruguay.
Yemen	Office of AID Affairs, c/o American Embassy, Sana, Yemen	American Embassy, Sana, Yemen Arab Republic.
Zaire	USAID to Republic of Zaire, c/o American Embassy, Kinshasa, Republic of Zaire.	310 Ave. des Aviateurs, Kinshasa, Zaire.

[A.I.D. Reg. 15, 40 FR 45679, Oct. 2, 1975, as amended at 45 FR 20790, Mar. 31, 1980]

AMERICAN BATTLE MONUMENTS COMMISSION

TABLE OF CONTENTS

ABMC—1 Official Personnel Records.
ABMC—2 General Financial Records.
ABMC—3 Informal Personnel Files.
ABMC—4 Conflict of Interest Files.
Appendix

ABMC-1

System name: Official Personnel Records-ABMC.

System location: American Battle Monuments Commission, 4C104 Forrestal Building, 1000 Independence Ave., SW, Washington, DC 20314.

Categories of individuals covered by the system: ABMC Civil Service Employees.

Categories of records in the system: Official Personnel Folders.

Authority for maintenance of the system: Federal Personnel Manual, USCSC, Chapter 293

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In house. Records are released to USCSC for audits; see appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Manual-By name and Social Security Number.

Safeguards: Stored in locked metal file containers in guarded building, released only to authorized personnel.

Retention and disposal: Retained while individual employed by Commission; transferred to new agency if employee leaves Commission for reemployment with another agency; transferred to Federal Records Center, St. Louis, Missouri, 30 days after individual is separated from government service or retires.

System manager(s) and address:

Director, Personnel and Administration
American Battle Monuments Commission
4C104 Forrestal Building
1000 Independence Avenue, SW
Washington, DC 20314

Notification procedure: Contact individual listed above or Officer-in-Charge of field office appropriate to individuals' area of employment.

Record access procedures: ABMC access procedures are contained in §407.3

Contesting record procedures: Contesting Procedures are contained in §407.9.

Record source categories: The subject individual; the American Battle Monuments Commission.

ABMC-2

System name: General Financial Records-ABMC.

System location: American Battle Monuments Commission, 4C104 Forrestal Building, 1000 Independence Ave., SW, Washington, DC 20314.

Categories of individuals covered by the system: Past and present ABMC employees.

Categories of records in the system: Varied payrolls records, including, among other documents, time and attendance cards; payment vouchers; travel vouchers; official travel authorizations; comprehensive listing of employees; health benefits records; requests for deductions; tax forms; W2 forms; overtime requests; leave data; retirement records. Records are used by the ABMC employees to maintain adequate payroll information for ABMC employees and otherwise by the ABMC employees who have a need for the records in the performance of their duties.

Authority for maintenance of the system: 31 USC generally and Pub. L. 91-175.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In house; see appendix. Records are also released to GAO for audits and to the Internal Revenue Service for investigation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Manual. Identifier-By name and Social Security Number.

Safeguards: Stored in metal file containers in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address:

Chief, Accounting Division
Operations and Finance
American Battle Monuments Commission
4C014 Forrestal Building
1000 Independence Avenue, SW
Washington, DC 20314

Notification procedure: Contact individual listed above, or Director, Operations and Finance, American Battle Monuments Commission, 4C014 Forrestal Building, Washington, DC 20314.

Record access procedures: ABMC access procedures are contained in §407.3.

Contesting record procedures: Contesting Record Procedures are contained in §407.9.

Record source categories: The subject individual; the American Battle Monuments Commission.

ABMC-3

System name: Informal Personnel Files-ABMC.

System location: American Battle Monuments Commission, 4C014 Forrestal Building, Washington, DC 20314.

Categories of individuals covered by the system: Members of the Commission and Employees.

Categories of records in the system: General personnel information including position descriptions, training records, performance appraisals, security clearances, employment history, home address, titles, date of birth, grade and salary, age, social security number, home telephone number, resume, letters of recommendation, personal qualifications statement or recommendations for performance recognition.

Authority for maintenance of the system: 44 USC 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In house; see appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper

Retrievability: Manual. Identifier-Name

Safeguards: Filed locked, steel cabinets; records available to authorized persons only.

Retention and disposal: Destroyed after three years of inactivity.

System manager(s) and address:

Director, Personnel and Administration
American Battle Monuments Commission
4C104 Forrestal Building
1000 Independence Avenue, SW
Washington, DC 20314

Notification procedure: Contact individual listed above.

Record access procedures: ABMC access procedures are contained in §407.3 Rules Safeguarding Personal Information in ABMC Records.

Contesting record procedures: Contesting Record Procedures are contained in §407.9.

Record source categories: Individual himself; education institution; previous employers; letters of recommendations named by individual himself.

ABMC-4

System name: Conflict of Interest Filed-ABMC.

System location: American Battle Monuments Commission, 4C014 Forrestal Building, 1000 Independence Ave., SW, Washington, DC 20314.

Categories of individuals covered by the system: ABMC Employees.

Categories of records in the system: Title: 'Confidential Report of Employment and Financial Interests' required of certain employees contains a statement of the financial interests of the employee and the members of his immediate family and the employment of the immediate family or any other employment by the ABMC employee.

Authority for maintenance of the system: 44 USC 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In house; see appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Manual. Identifier-Name.

Safeguards: Filed in locked, steel cabinets; records available to authorized persons only.

Retention and disposal: Destroyed after two years of inactivity.

System manager(s) and address:

Director, Personnel and Administration
American Battle Monuments Commission
4C104 Forrestal Building
1000 Independence Avenue, SW
Washington, DC 20314

Notification procedure: Contact individual listed above.

Record access procedures: ABMC access procedures are contained in §407.3 Rules Safeguarding Personal Information in ABMC records.

Contesting record procedures: Contesting Record Procedures are contained in §407.9.

Record source categories: Individual himself and people named by individual to supply information.

APPENDIX 'Routine Uses'

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system or records may be referred, as a routine use, to the appropriate

agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto. 2. A record from this system of records may be disclosed as a 'routine use' to a federal state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit. 3. A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter. 4. A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management. 5. A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

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- 01, Payroll Records
- 02, General Financial Records
- 03, General Unofficial Personnel Files
- 04, Mailing List

01

System name:

Payroll Records—Architectural and Transportation Barriers Compliance Board.

System location:

General Services Administration (GSA), National Payroll Center, Kansas City, Kansas; copies held by the Board. (GSA holds records for the ATBCB under contract.)

Categories of individuals covered by the system:

Employees and public members of the Board.

Categories of records in the system:

Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records; requests for deductions; tax forms; W-2 forms; overtime request; leave data; retirement records. Records are used by the Board and GSA employees to maintain adequate payroll information for the Board employees, and otherwise by the Board and GSA employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system:

31 U.S.C. "Money and Finance", generally.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See Appendix. Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Executive Director, ATBCB, 330 C Street, SW, Room 1010, Washington, D.C. 20202. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished to the city in response to written request from an appropriate city official to the Executive Director.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper and microfilm.

Retrievability:

Social Security number.

Safeguards:

Stored in guarded building; released only to authorized personnel, including among others, GSA liaison staff and finance personnel; and the Board administrative staff.

Retention and disposal:

Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address:

Executive Director, ATBCB, 330 C Street, SW, Room 1010, Washington, D.C. 20202.

Notification procedure:

Contact Executive Director or refer to the Board access regulations contained in 36 CFR Part 1121.

Record access procedures:

Contact Executive Director or refer to the Board access regulations contained in 36 CFR Part 1121.

Contesting record procedures:

Contact Executive Director or refer to the Board access regulations contained in 36 CFR Part 1121.

Record source categories:

The subject individual; the Board.

02

System name:

General Financial Records—Architectural and Transportation Barriers Compliance Board.

System location:

GSA, National Capital Region; copies held by the Board. (GSA holds records for the ATBCB under contract.)

Categories of individuals covered by the system:

Employees of the Board.

Categories of records in the system:

SF-1038, Application and account for advance of funds; vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the Board who have a need for the record in the performance of their duties.

Authority for maintenance of the system:

31 U.S.C. "Money and Finance", generally.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See Appendix. Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys, pursuant to power of attorney.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper and tape.

Retrievability:

Manual and automated by name.

Safeguards:

Stored in guarded building; released only to authorized personnel including among others, GSA liaison staff, finance personnel and the Board administrative staff.

Retention and disposal:

Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition.

System manager(s) and address:

Executive Director, ATBCB, 330 C Street, SW, Room 1010, Washington, D.C. 20202.

Notification procedure:

Contact Executive Director or refer to the Board access regulations contained in 36 CFR Part 1121.

Record access procedures:

Contact Executive Director or refer to the Board access regulations contained in 36 CFR Part 1121.

Contesting record procedures:

Contact Executive Director or refer to the Board access regulations contained in 36 CFR Part 1121.

Record source categories:

The subject individual; the Board.

03

System name:

General Unofficial Personnel Files—Architectural and Transportation Barriers Compliance Board.

System location:

ATBCB offices.

Categories of individuals covered by the system:

Biographic information; correspondence with members of the Board; personnel actions; position descriptions.

Authority for maintenance of the system:

Title 5, U.S.C. "Government Organization and Employees," generally.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See Appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper.

Retrievability:

Manual.

Safeguards:

Stored in lockable file cabinets, released only to authorized personnel, including among others, GSA liaison staff and the Board administrative staff.

Retention and disposal:

Retained until no longer needed, then discarded.

System manager(s) and address:

Executive Director, ATBCB, 330 C Street, SW, Room 1010, Washington, D.C. 20202.

Notification procedure:

Contact Executive Director or refer to the Board access regulations contained in 36 CFR Part 1121.

Record access procedures:

Contact Executive Director or refer to the Board access regulations contained in 36 CFR Part 1121.

Contesting record procedures:

Contact Executive Director or refer to the Board access regulations contained in 36 CFR Part 1121.

Record source categories:

The subject individual; the Board.

04

System name:

Mailing List—Architectural and Transportation Barriers Compliance Board.

System location:

ATBCB offices and the Fairfax Computer Center, Fairfax.

Categories of individuals covered by the system:

Architect or designer; Health Care; Transportation; Consumer, self help, or social service; Federal government; Private organization or firm; professional association; College, university, or trade school; Trade association; Media; Legal profession; Contractor or engineer; Manufacturer or industry; State/local government; Library; Veterans organization; Congress; Voluntary standard/code group.

Categories of records in the system:

Same as above.

Authority for maintenance of the system:

29 U.S.C. 792.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Bimonthly newsletter (all categories), technical bulletins (varying categories), publications (varying categories), announcements (varying categories). The purpose of these mailings is to inform the general public and/or specific groups of Board activities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape.

Retrievability:

Category, last name, zip code.

Safeguards:

Information can only be retrieved from the system by authorized personnel.

Retention and disposal:

Ongoing process of changes, deletions and additions to list.

System manager(s) and address:

Executive Director, ATBCB, 300 C Street, SW, Room 1010, Washington, D.C. 20202.

Notification procedure:

Contact Executive Director or refer to the Board access regulations contained in 36 CFR Part 1121.

Record access procedures:

Contact Executive Director or refer to the Board access regulations contained in 36 CFR Part 1121.

Contesting record procedures:

Contact Executive Director or refer to the Board access regulations contained in 36 CFR Part 1121.

Record source categories:

Same as mentioned previously.

Appendix—Architectural and Transportation Barriers Compliance Board

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed to a Federal Agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

4. A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Office of Personnel Management in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

5. A record from this system of records may be disclosed to officers and employees of a Federal agency for purposes of audit.

6. A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

7. A record from this system of records may be disclosed to officers and employees of the GSA in connection with administrative services provided to the ATBCB under agreement with GSA.

8. In the event the Board deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR PART 1121—PRIVACY ACT IMPLEMENTATION

- Sec.
- 1121.1 Purpose and scope.
 - 1121.2 Definitions.
 - 1121.3 Procedures for requests pertaining to individuals' records in a records system.
 - 1121.4 Times, places, and requirements for the identification of the individual making a request.
 - 1121.5 Access to requested information to the individual.
 - 1121.6 Request for correction or amendment to the record.
 - 1121.7 Agency review of request for correction or amendment of the record.
 - 1121.8 Appeal of an initial adverse agency determination on correction or amendment of the record.
 - 1121.9 Notification of dispute.
 - 1121.10 Disclosure of record to a person other than the individual to whom the record pertains.
 - 1121.11 Accounting of disclosures.
 - 1121.12 Fees.

Authority: 5 U.S.C. 552a; Pub. L. 93-579.
Source: 50 FR 3905, Jan. 29, 1986.

§ 1121.1 Purpose and scope.

The purposes of these regulations are to:

(a) Establish a procedure by which an individual can determine if the Architectural and Transportation Barriers Compliance Board, hereafter known as the Board or ATBCB, maintains a system of records which includes a record pertaining to the individual; and

(b) Establish a procedure by which an individual can gain access to a record pertaining to him or her for the purpose of review, amendment and/or correction.

§ 1121.2 Definitions.

For the purpose of these regulations—

(a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(b) The term "maintain" includes maintain, collect, use or disseminate.

(c) The term "record" means any item, collection or grouping of information about an individual that is maintained by the Board, including, but not limited to, his or her employment history, payroll information, and financial transactions and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as social security number.

(d) The term "system of records" means a group of any records under

control of the Board from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

(e) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(f) The term "authorized representative" means a person who acts on an "individual's" behalf for purposes of these regulations, pursuant to written, signed instructions from the individual.

§ 1121.3 Procedures for requests pertaining to individuals' records in a records system.

An individual or authorized representative shall submit a written request to the Administrative Officer to determine if a system of records named by the individual contains a record pertaining to the individual. The individual or authorized representative shall submit a written request to the Executive Director of the ATBCB which states the individual's desire to review his or her record.

§ 1121.4 Times, places, and requirements for the identification of the individual making a request.

An individual or authorized representative making a request to the Administrative Officer of the ATBCB pursuant to § 1121.3 shall present the request at the ATBCB offices, 330 C Street, SW, Room 1010, Washington, D.C. 20202, on any business day between the hours of 9 a.m. and 5:30 p.m. The individual or authorized representative submitting the request should present himself or herself at the ATBCB's offices with a form of identification which will permit the ATBCB to verify that the individual is the same individual as contained in the record requested. An authorized representative shall present a written document authorizing access. The document must be signed by the individual.

§ 1121.5 Access to requested information to the individual.

Upon verification of identity the Board shall disclose to the individual or authorized representative the information contained in the record which pertains to that individual. Nothing in this section shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

§ 1121.6 Request for correction or amendment to the record.

The individual or authorized representative should submit a request to the Administrative Officer which states the individual's desire to correct or to amend his or her record. This request is to be made in accord with provisions of § 1121.4.

§ 1121.7 Agency review of request for correction or amendment of the record.

Within ten working days of the receipt of the request to correct or to amend the record, the Administrative Officer will acknowledge in writing such receipt and promptly either—

(a) Make any correction or amendment of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(b) Inform the individual or authorized representative of his or her refusal to correct or to amend the record in accordance with the request, the reason for the refusal and the procedures established by the Board for the individual to request a review of that refusal.

§ 1121.8 Appeal of an initial adverse agency determination on correction or amendment of the record.

An individual who disagrees with the refusal of the Administrative Officer to correct or to amend his or her record may submit a request for a review of such refusal to the Executive Director, ATBCB, 330 C Street, SW, Room 1010, Washington, D.C. 20202. The Executive Director will, not later than thirty (30) working days from the date on which the individual requests such review, complete such review and make final determination, unless, for good cause shown, the Executive Director extends such thirty-day period. If, after his or her review, the Executive Director also refuses to correct or to amend the record in accordance with the request, the Board shall permit the individual or authorized representative to file with the Executive Director a concise statement setting forth the reasons for his or her disagreement with the refusal of the Executive Director and shall notify the individual or authorized representative that he or she may seek judicial review of the Executive Director's determination under 5 U.S.C. 552a(g)(1)(A).

§ 1121.9 Notification of dispute.

In any disclosure pursuant to § 1121.10 containing information about which the individual has previously filed a statement of disagreement under § 1121.8, the Board shall clearly note any portion of the record which is

disputed and provide copies of the statement and, if the Executive Director deems it appropriate, copies of a concise statement of the reasons of the Executive Director for not making the amendments requested.

§ 1121.10 Disclosure of record to a person other than the individual to whom the record pertains.

The Board will not disclose a record to any individual or agency other than the individual to whom the record pertains, except to an authorized representative, unless the disclosure has been listed as a "routine use" in the Board's notices of its systems of records, or falls within one of the special disclosure situations listed in the Privacy Act of 1974 (5 U.S.C. 552a(b)).

§ 1121.11 Accounting of disclosures.

(a) The Board shall, except for disclosure made under sections (b)(1) and (b)(2) of the Privacy Act of 1974 (5 U.S.C. 552a) keep an accurate accounting of—

(1) The date, nature and purpose of each disclosure of a record to any person or another agency made pursuant to § 1121.10; and

(2) The name and address of the person or agency to whom the disclosure is made.

(b) This accounting shall be retained for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made;

(c) The Board shall make this accounting available to the individual named in the record at his or her request, except for disclosures made under section (b)(7) of the Privacy Act of 1974 (5 U.S.C. 552a).

(d) The Board shall inform any person or other agency to whom disclosure has been made pursuant to § 1121.10 about any correction or notation of dispute made by the Board.

§ 1121.12 Fees.

If an individual or authorized representative requests copies of his or her record, he or she shall be charged ten cents per page, excluding the cost of any search for review of the record, in advance of receipt of the pages.

ARMS CONTROL AND DISARMAMENT AGENCY

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Prefatory Statement of Routine Uses

The following uses apply to, and are incorporated by reference into, each system of records as indicated in the parenthesis which follows each routine use:

1. Disclosure may be made to a congressional office as a routine use from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. (All ACDA systems of records)

2. A record from this system of records may be disclosed to officers and employees of a Federal agency for purposes of audit. (All ACDA systems of records)

3. A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA. (All ACDA systems of records)

4. In the event that these records indicate a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (ACDA systems of records—numbers 1, 2, 3, 5, 6, 8, 9, 13, 14, 15, 16, 17)

5. A record from this system of records may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (ACDA systems of records—numbers 1, 2, 3, 5, 6, 8, 9, 13, 14, 15, 16)

6. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (ACDA systems of records—numbers 1, 2, 3, 5, 6, 8, 9, 13, 14, 15, 16)

7. A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. (ACDA systems of records—numbers 1, 3, 5, 6, 8, 13, 14, 16)

8. A record from this system of records may be disclosed to the Office of Personnel Management in accordance with that agency's responsibility for evaluation and oversight of Federal personnel management. (ACDA systems of records—numbers 1, 2, 3, 8, 13, 14, 16)

9. The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that circular. (ACDA systems of records—numbers 1, 3, 8, 13, 14, 15, 16)

ACDA—1

System name: Official Personnel Records—ACDA.

System location: Agency Headquarters, Department of State Building, 320 21st St., NW, Washington, D.C. 20451

Categories of individuals covered by the system: All ACDA personnel, including consultants.

Categories of records in the system: Records relating to employment, including but not limited to personal qualifications statement, performance rating, personnel actions, insurance and conflict of interest, except to the extent controlled by the CSC.

Authority for maintenance of the system: Executive order 10561.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Available to ACDA management officials for use in evaluating performance and entitlement to rights under the Federal Personnel System. Also generally available to management officials in other agencies in connection with pre-employment verification.

Disclosure may be made to financial and credit institutions for loan and credit purposes to verify the employee's employment with ACDA, date of employment, present and past positions, titles, grades, salaries, and duty stations.

Routine uses of records maintained in this system shall include providing a copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, to the State, city or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Executive Officer, U.S. Arms Control and Disarmament Agency, 320 21st St., NW, Washington, D.C. 20451. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both. Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the Executive Officer of the Agency. In the absence of a withholding agreement, the social security number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the social security number, in accordance with Section 7 of the Privacy Act, Pub. L. 93-579.

Also see the Prefatory Statement of Routine Uses; the routine uses numbered 1, 2, 3, 4, 5, 6, 7, 8, and 9, apply to, and are incorporated by reference into, this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: The policies and practices of the agency regarding storage, retrievability, access control, retention and disposal of these records are directed by the Civil Service Commission in accordance with Federal Personnel Manual Supplement 296-31.

Storage: Same as above.

Retrievability: Same as above.

Safeguards: Same as above.

Retention and disposal: Same as above.

System manager(s) and address: Personnel Officer, Rm. 5720.

Notification procedure: Privacy Act Officer, Rm. 5534.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Both internal agency sources and other federal agencies which have previously employed an ACDA employee.

ACDA—2

System name: Pending Personnel Files—ACDA.

System location: Agency Headquarters.

Categories of individuals covered by the system: All individuals currently under consideration for employment, including pending consultants.

Categories of records in the system: Forms relating to employment, including but not limited to personal qualifications statement, resume, and tenure, health insurance and life insurance forms.

Authority for maintenance of the system: 22 U.S.C. 2581

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by ACDA management for the evaluation of employment potential and to establish entitlement to rights under the Federal Personnel System.

Also see the Prefatory Statement of Routine Uses; the routine uses numbered 1, 2, 3, 4, 5, 6, and 8, apply to, and are incorporated by reference into, this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in standard file folders.

Retrievability: By last name of individual.

Safeguards: Records are maintained in a bar-lock steel cabinet.

Retention and disposal: Records are maintained only until a final decision is made regarding employment and are then either destroyed or replaced by an official personnel folder; access limited to ACDA management on a need-to-know basis.

System manager(s) and address: Personnel Officer, Rm. 5720.

Notification procedure: Privacy Act Officer, Rm. 5534.

Record access procedures: Privacy Act Officer, Rm. 5534.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained, previous employers, internal agency sources.

ACDA—3

System name: Security Records—ACDA.

System location: Agency Headquarters.

Categories of individuals covered by the system: All current and former ACDA employees, including employees of contractors.

Categories of records in the system: Contains questionnaires completed by the individual. Personal qualifications statement, AECI (Parts I & II), AEC—0115 security acknowledgement, release forms. Contains forms relating to security clearances, including letter requesting investigation, investigative reports, memo of security clearance, notification of "Q" clearance, reports of security violations and classified visit requests, may also contain memo of medical determination and memo advising of eligibility for special clearances.

Authority for maintenance of the system: 22 U.S.C. 2585

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by a limited number of ACDA management officials and management officials of other agencies to evaluate employment potential, suitability for federal employment, and access to classified information.

Also see the Prefatory Statement of Routine Uses; the routine uses numbered 1,2,3,4,5,6,7,8, and 9, apply to, and are incorporated by reference into this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the systems:

Storage: Maintained in standard file folders.

Retrievability: By last name of individual.

Safeguards: Files maintained in accordance with the strictest security requirements applicable to classified documents, records maintained in a three-way combination lock steel container, access only on a need-to-know basis, based on the above routine uses.

Retention and disposal: Records once established are indefinitely.

System manager(s) and address: Chief of Security, Rm. 5731.

Notification procedure: Privacy Act Officer, Rm. 5534.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Federal investigative agencies, State Department Medical Bureau, individual on whom the record is maintained, internal agency sources.

Systems exempted from certain provisions of the act: Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contacts, or access to classified information is exempted from the provisions of the act, in accordance with subsection (K)(5) of the act and section 603.7(A)(3) of the agency regulations concurrently published, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the government; under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence. Investigatory material compiled for law enforcement purpose is also exempted from the provisions of the act, in accordance with subsection (K)(2) of the act and section 603.7(a)(2) of the agency regulations concurrently published, provided however that if any individual is denied any right, privilege, or benefit to which he would otherwise be entitled by federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

ACDA—4

System name: Statements by Principals During the Strategic Arms Limitation Talks, Mutual Balanced Force Reduction Negotiations, and the Standing Consultative Committee—ACDA.

System location: Agency Headquarters.

Categories of individuals covered by the system: Members of Delegations of U.S. and foreign governments concerned with the subject negotiations.

Categories of records in the system: Transcripts of official statements made by principals in negotiating sessions.

Authority for maintenance of the system: 22 U.S.C. 2551, Executive Order 11044, Sec. 4.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Available as necessary background material to ACDA officers and management officials of other agencies concerned with the formulation and implementation of U.S. Arms Control objectives.

Also see the Prefatory Statement of Routine Uses; the routine uses numbered 1,2, and 3, apply to, and are incorporated by reference into, this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on computer tape.

Retrievability: Indexed by several data elements, including last name of principal. Discs are stored in accordance with strictest security measures applicable to secret/restricted data. They are loaded only upon request. Listings prepared from tapes are maintained in accordance with security requirements, according to the highest classifications on the list.

Safeguards: Access limited, on a need-to-know basis, to ACDA managers and management of other federal agencies with appropriate security clearances, who are involved in formulation of arms control policy.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Chief, Communications and Service Section, Rm. 5666.

Notification procedure: Privacy Act Officer, Rm. 5534.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Transcripts of negotiations.

Systems exempted from certain provisions of the act: Because the information contained in this system is data classified for reasons of national security pursuant to Executive Order 11652, it has been ruled exempt from the disclosure provisions of the act by section 603.7(A)(1) of concurrently published agency regulations in accordance with section (K)(1) of this act.

ACDA—5

System name: Top Secret Document Control File—ACDA.

System location: Agency Headquarters.

Categories of individuals covered by the system: Any individual holding a top secret document under ACDA's physical control.

Categories of records in the system: Contains a listing of those Top Secret Document to which an individual has had access and for which he is accountable.

Authority for maintenance of the system: Executive Order 11652, sec. 6(E).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Available to ACDA management to determine personal accountability for Top Secret Documents also available as a routine use to Federal law enforcement officials to determine access to and accountability for top secret documents.

Also see the Prefatory Statement of Routine Uses; the routine uses numbered 1, 2, 3, 4, 5, 6, and 7, apply to, and are incorporated by reference into this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on data index cards.

Retrievability: Through card sorting.

Safeguards: Records maintained in bar-lock steel cabinet. Access limited, on a need-to-know basis.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Chief, Communications and Services Section, Rm. 5666.

Notification procedure: Privacy Act Officer, Rm. 5534.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Internal agency sources.

ACDA—6

System name: Document Classifier Data Index—ACDA.

System location: Agency Headquarters.

Categories of individuals covered by the system: ACDA personnel with authority under Executive Order 11652 to classify documents in the interests of national security.

Categories of records in the system: Contains names listing of documents classified by a particular individual.

Authority for maintenance of the system: Executive Order 11652, sec. 13.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Available to ACDA management officials and management officials of other agencies on a need-to-know basis, for the purpose of determining the original classifier of a classified document and to identify any misuse of the National Security Classification Authority.

Also see the Prefatory Statement of Routine Uses; the routine uses numbered 1, 2, 3, 4, 5, 6, and 7, apply to, and are incorporated by reference into, this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on data index cards.

Retrievability: Retrieved by card sorting.

Safeguards: Records maintained in a standard bar-lock steel cabinet.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Chief, Communications and Services Section, Rm. 5666.

Notification procedure: Privacy Act Officer, Rm. 5534.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Internal agency sources.

ACDA—7

System name: Congressional Information and Attitudes File—ACDA.

System location: Agency Headquarters.

Categories of individuals covered by the system: Selected U.S. Senators and Representatives.

Categories of records in the system: Contains biographical material, voting records, Public Statements by members of Congress relating to arms control issues, correspondence and records of conversations and briefings by agency personnel.

Authority for maintenance of the system: 22 U.S.C. 2551.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Available to agency officials for background and briefing purposes.

Also see the Prefatory Statement of Routine Uses; the routine uses numbered 1, 2, and 3, apply to, and are incorporated by reference into, this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in standard file folders.

Retrievability: Filed by last name.

Safeguards: Maintained in bar-lock steel cabinet.

Retention and disposal: Maintained until the Subject member of Congress leaves office.

System manager(s) and address: Congressional liaison officers, Rm. 5634.

Notification procedure: Privacy Act Officer, Rm. 5534.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Congressional Directory, Congressional Quarterly, Congressional Records, Members of Congress on whom records are maintained, public speeches and minutes of meetings.

ACDA—8

System name: External Contracts (Other than Small Purchases)—ACDA.

System location: Control Data Corp., 6003 Executive Blvd., Rockville, Md. 20852.

Categories of individuals covered by the system: Individuals performing work on contracts for the agency.

Categories of records in the system: Name of individual, amount of contract, date of award, title of contract, research category, fiscal year, type of business, reporting requirements.

Authority for maintenance of the system: 22 U.S.C. 2571, 2581; 40 U.S.C. 481.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Available to agency officials for the purposes of determining progress on agency contracts, including research and completed research in various categories and dollar amount by fiscal year. Also available to Congressional committees for purposes of authorization hearings.

Also see the Prefatory Statement of Routine Uses; the routine uses numbered 1, 2, 3, 4, 5, 6, 7, 8, and 9, apply to, and are incorporated by reference into, this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on computer tape.

Retrievability: By last name of contractor or project number.

Safeguards: Computer printouts are kept in bar-lock steel cabinets; access limited on a need-to-know basis, in accordance with the above routine uses.

Retention and disposal: Records are maintained for six years after final settlement and then destroyed.

System manager(s) and address: Contracts officer, State Department Annex No. 6, Room 805.

Notification procedure: Privacy Act Officer, Rm. 5534.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained, internal agency sources.

ACDA—9

System name: Privacy Act Requests File—ACDA.

System location: Agency Headquarters.

Categories of individuals covered by the system: Requests for information or other services provided by the agency under The Privacy Act of 1974.

Categories of records in the system: Requests for information or other services provided by the agency under The Privacy Act of 1974, including by not limited to agency responses thereto.

Authority for maintenance of the system: 5 U.S.C. 552A.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Available to agency officials for use in monitoring and evaluating requests for information or other services provided by the agency under The Privacy Act of 1974.

Also see the Prefatory Statement of Routine Uses; the routine uses numbered 1, 2, 3, 4, 5, and 6, apply to, and are incorporated by reference into, this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in standard file folders.

Retrievability: By last name of individual requester.

Safeguards: Records are maintained in a bar-lock steel cabinet.

Retention and disposal: Records are maintained as long as the systems of records which have been the subject of Privacy Act requests are active, or for a period of five years after the agency response to the request, whichever is longer.

System manager(s) and address: Privacy Act Officer, Rm. 5534.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Authors of Privacy Act requests.

ACDA—10

System name: Freedom of Information Act Request.

System location: Agency Library, Department of State Building, Rm. 5672, 320 21st St., NW, Washington, D.C. 20451.

Categories of individuals covered by the system: Requesters for information under the Freedom of Information Act.

Categories of records in the system: Requests for information under the Freedom of Information Act and agency disposition thereof.

Authority for maintenance of the system: 5 U.S.C. 552.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Available to agency officials for use in monitoring and evaluating requests for information under the Freedom of Information Act.

Also see the Prefatory Statement of Routine Uses; the routine uses numbered 1, 2, and 3, apply to, and are incorporated by reference into, this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on standard 3x5 file cards.

Retrievability: By last name of individual requester.

Safeguards: Records are maintained in a bar-lock steel cabinet.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Freedom of Information Officer, Rm. 5534.

Notification procedure: Privacy Act Officer, Rm. 5534.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Authors of Freedom of Information Act Requests.

ACDA—11.

System name: World Military Expenditures Mailing List—ACDA.

System location: Agency headquarters, Department of State Building, 320 21st St., NW, Washington, D.C. 20451.

Categories of individuals covered by the system: Requesters of the publication "World Military Expenditures and Arms Transfers".

Categories of records in the system: Names and addresses of requesters of the publication.

Authority for maintenance of the system: 22 U.S.C. 2551.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Available to Agency officials for use in disseminating current editions of the publication "World Military Expenditures and Arms Transfers".

Also see the Prefatory Statement of Routine Uses; the routine uses numbered 1, 2, and 3, apply to, and are incorporated by reference into, this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on standard 3x5 file cards.

Retrievability: By last name of requester.

Safeguards: Records are maintained in a bar-lock steel cabinet.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Project Officer for WMEAT, Rm. 4660.

Notification procedure: Privacy Act Officer, Rm. 5534.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Authors of requests for the publication.

ACDA—12

System name: ACDA Mailing List.

System location: State Department Computer Bank, Department of State Building, 320 21st St., NW, Washington, D.C. 20451.

Categories of individuals covered by the system: Requesters of information on arms control and related affairs.

Authority for maintenance of the system: Authority for maintenance of the system: 22 U.S.C. 2551.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Available to Agency officials for use in disseminating public information and publications concerning arms control and related affairs.

Also see the Prefatory Statement of Routine Uses; the routine uses numbered 1, 2, and 3, apply to, and are incorporated by reference into, this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on computer tape.

Retrievability: By last name of requester.

Safeguards: Records are maintained in a computer which has limited access for official use only by authorized personnel.

Retention and disposal: Records are maintained for two years at which time the individuals are sent an address card which must be filled out and returned or the name and address of the individual concerned will be removed from the list.

System manager(s) and address: Deputy Public Affairs Advisor, Rm. 4936.

Notification procedure: Privacy Act Officer, Rm. 5534.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Authors of requests for information on arms control and related affairs.

ACDA—13

System name: Travel Authorization File—ACDA.

System location: Agency Headquarters, Department of State Building, 230 21st St., NW, Washington, D.C. 20451.

Categories of individuals covered by the system: Covered by the system: Any individuals who travel on Agency business.

Categories of records in the system: Categories of records in the system: Travel authorizations and completed travel vouchers.

Authority for maintenance of the system: 31 U.S.C. 200; 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Available to Agency officials for use in monitoring official Agency travel.

Routine uses of records maintained in this system shall include providing a copy to an employee's Department of the Treasury Form W-2, Wage and Tax Statement, to the State, city or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Executive Officer, U.S. Arms Control and Disarmament Agency, 320 21st St., NW, Washington, D.C. 20451. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both. Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city Official to the Executive Officer of the Agency. In the absence of a withholding agreement, the social security number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the social security number, in accordance with Section 7 of the Privacy Act, Pub. L. 93-579.

Also see the Prefatory Statement of Routine Uses; the routine uses numbered 1, 2, 3, 4, 5, 6, 7, 8, and 9, apply to, and are incorporated by reference into, this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in standard file folders.

Retrievability: By last name of traveler.

Safeguards: Records are maintained in a bar-lock steel cabinet.

Retention and disposal: Records are maintained three years.

System manager(s) and address: Budget Officer, State Department Annex No. 6, Rm. 805.

Notification procedure: Privacy Act Officer, Rm. 5534.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals who travel on official Agency business.

ACDA-14

System name: Confidential Statement of Employment and Financial Interests Records—ACDA.

System location: Agency Headquarters, Department of State Building, 320 21st St., NW, Washington, D.C. 20451.

Categories of individuals covered by the system: Special Government employees (consultants) of the Agency and individuals occupying positions listed in 22 CFR 606.735-71(a).

Categories of records in the system: Statements of Employment and Financial Interests and letters and memoranda relating thereto, except to the extent controlled by the CSC.

Authority for maintenance of the system: Executive Order 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Available to the Agency Ethics Counselor and Deputy Ethics Counsel and to other Agency personnel on a need-to-know basis as may be required in the performance of their duties. Records in the system may also be used as follows, except that information form a statement may be disclosed only upon the determination of the CSC or the ACDA Director that such disclosure is for good cause shown:

Also see the Prefatory Statement of Routine Uses; the routine uses numbered 1, 2, 3, 4, 5, 6, 7, 8, and 9, apply to, and are incorporated by reference into, this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in standard file folders.

Retrievability: By last name of employee.

Safeguards: Records are maintained in a three-way combination lock steel container located in the office of the Deputy Ethics Counselor.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Ethics Counselor, Rm. 5534.

Notification procedure: Privacy Act Officer, Rm. 5534.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals who file Confidential Statements of Employment and Financial Interests with the Agency.

ACDA-16

System name: Grievance Records—ACDA.

System location: Agency Headquarters, Department of State Building, 320 21st Street NW, Washington, D.C. 20451.

Categories of individuals covered by the system: Current or former ACDA employees who have submitted grievances with ACDA.

Categories of records in the system: Records relating to grievances filed by current or former ACDA employees with ACDA. The system contains all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits.

Authority for maintenance of the system: 22 U.S.C. 2581.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Available to ACDA officials in the course of processing a grievance.

Additionally these records may be used:

To disclose information to any source from which additional information is requested in the course of processing a grievance to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested;

To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court;

To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding;

To provide information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

Also see the Prefatory Statement of Routine Uses; the routine uses numbered 1, 2, 3, 4, 5, 6, 7, 8, and 9 apply to, and are incorporated by reference into, this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in standard file folders.

Retrievability: Filed by last name.

Safeguards: Maintained in lockable metal filing cabinets to which only authorized personnel have access.

Retention and disposal: These records are disposed of three years after closing of the case. Disposal is by shredding or burning.

System manager(s) and address: Personnel Officer, Room 5720.

Notification procedure: It is required that individuals submitting grievances be provided a copy of the record under the grievance process. However, they may contact the Privacy Act Officer, Room 5534, regarding the existence of such records on them.

Record access procedures: It is required that individuals submitting grievances be provided a copy of the record under the grievance process. However, after the action has been closed, an individual may contact the Privacy Act Officer, Room 5534, for access to the official copy of the file.

Contesting record procedures: Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment to their records to correct factual errors should contact the Privacy Act Officer, Room 5534.

Record source categories: Information in this system of records is provided:

- By the individual on whom the record is maintained.
- By testimony of witnesses.
- By agency officials.
- From related correspondence from organizations or persons.

ACDA-17

System name: ACDA Integrated Retrieval System.

System location: Agency Headquarters, Department of State Building, 320 21st Street NW, Washington, D.C., 20451.

Categories of individuals covered by the system: ACDA employees, former ACDA employees, other U.S. government employees, and individuals who originate, hold, are working on, have been assigned action on, or are responsible for important documents. Individuals who participated in negotiations, diplomatic or interagency meetings and whose names appear in documents reporting on such activities. Authors of published works and public documents.

Categories of records in the system: An index of important documents of all ACDA bureaus and offices and of certain published works and public documents on arms control matters.

Authority for maintenance of the system: 22 U.S.C. 2581.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Available to ACDA employees. Other U.S. government employees, and a limited number of other individuals with a need to know may be allowed access on a case by case basis. Access will be in order to: Identify, locate, and retrieve important documents; obtain information as to individuals who originate, hold, are working on, have been assigned action on, or are responsible for important documents; obtain information as to individual participants in negotiations, diplomatic or interagency meetings.

These records may be used to disclose information to any source seeking information in order to identify, locate, or retrieve documents indexed in the system.

These records may also be used to disclose information to any source from which additional information is requested in the course of identifying, locating, or retrieving documents indexed in the system.

Also see the Prefatory Statement of Routine Uses; the routine uses numbered 1, 2, 3, and 4 apply to, and are incorporated by reference into, this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on computer disk files and tape.

Retrievability: Indexed by several data elements, including last name of individuals who originate, hold, are working on, have been assigned action on, or are responsible for documents. Also by last name of individuals who participated in negotiations, diplomatic or

interagency meetings, and whose names appear in documents reporting on such activities.

Safeguards: Access limited to ACDA employees. Other government employees, and a limited number of other individuals with a need to know may be allowed access on a case by case basis. Additionally, familiarity with passwords and their relationships will be needed to operate the system. Passwords will be frequently changed. The computer is in a locked, safeguarded area in a building with twenty-four hour security.

Retention and disposal: These records are retained indefinitely.

System manager(s) and address: Chief, Operation Analysis Office, U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451.

Notification procedure: Privacy Act Officer, Room 5534.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information in this system of records will be obtained by indexers from a wide selection of official documents, reports of negotiations, memoranda of conversations, internal memoranda, cables, published works, and public documents.

Title 22-Foreign Relations

Chapter VI-United States Arms Control and Disarmament Agency

PART 603-PRIVACY ACT POLICY AND PROCEDURES

- Sec.
- 603.1 Purpose and scope.
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 - 603.9 New and amended systems of records.

Authority: 5 U.S.C. 301; 5 U.S.C. 552a; 5 U.S.C. 553; 22 U.S.C. 2581; and 31 U.S.C. 483a.

Source: 41 FR 19102, May 10, 1976, unless otherwise noted.

§ 603.1 Purpose and scope.

This Part 603 contains the regulations of the U.S. Arms Control and Disarmament Agency implementing the provisions of the Privacy Act of 1974 (Pub. L. 93-579), 5 U.S.C. 552a. In addition to containing internal policies and procedures, these regulations set forth procedures whereby an individual can determine if a system of records maintained by the Agency contains records pertaining to him and can request disclosure and amendment of such records. These regulations also set forth the basis for denying amendment requests and the procedures for appealing such denials.

§ 603.2 Definitions.

As used in this part:

(a) "Act" means the Privacy Act of 1974 (Pub. L. 93-579), 5 U.S.C. 552a.

(b) "ACDA" and "Agency" mean the U.S. Arms Control and Disarmament Agency.

(c) "Privacy Act Officer" means the Agency official authorized to receive and act upon inquiries, requests for access and requests for amendment.

(d) "Director" means the Director of the Agency or his duly authorized representative (other than the Privacy Act Officer).

(e) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(f) "Maintain" includes maintain, collect, use, or disseminate;

(g) "Record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains

his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

(h) "System, of records" means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(i) "Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of Title 13; and

(j) "Routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 603.3 Policy.

(a) It is the policy of the Agency that only such information about an individual as is relevant and necessary to accomplish a purpose of the Agency required to be accomplished by statute or by executive order of the President shall be maintained in an Agency record. No information about the political or religious beliefs and activities of an individual will be maintained within such records unless specifically authorized by statute or by the subject individual, or unless pertinent to and within the scope of a law enforcement activity.

(b) The Agency will not disclose any record which is contained in a system of records to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record is:

(1) To those officers and employees of the Agency who have a need for the record in the performance of their duties;

(2) Required under the Freedom of Information Act, as amended (5 U.S.C. 552);

(3) For a routine use, notice of which has been published in accordance with the Act;

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13 of the United States Code;

(5) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be

transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

(c) Except for disclosures of information to Agency employees having need for the information in the official performance of their duties or required under the provisions of the Freedom of Information Act, an accurate accounting of each disclosure will be made and retained for five years after the disclosure or for the life of the record, whichever is longer. The accounting will include the date, nature, and purpose of each disclosure and the name and address of the person or agency to whom the disclosure is made. Each such disclosure, unless made to agencies engaged in law enforcement activities in accordance with paragraph (b)(7) of this section, will be made available to the individual upon request.

(d) To the greatest extent practicable, information which may result in an adverse determination about an individual shall be collected from that individual, and he will be informed of the purposes for which the information will be used and his rights, benefits, and

obligations with respect to supplying the data.

(e) The Executive Officer of ACDA and each custodian of a systems of records shall ensure that all records which are used by the Agency to make a determination about any individual are maintained with such accuracy, relevance, timeliness and completeness as is reasonably necessary to assure fairness to the individual. Whenever information about an individual contained in an Agency record is used or disclosed the custodian of the system of records in which the record is located will make every effort to assure that it is accurate, relevant, timely and complete.

(f) The Executive Officer of ACDA shall establish appropriate administrative, technical, and physical safeguards to ensure that records are disclosed only to those who are authorized to have access to them and to protect against any anticipated threats or hazards to their security or integrity which would result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained.

(g) Agency records pertaining to an individual shall be made available to that individual to the greatest extent possible.

(h) No lists of names and addresses will be rented or sold unless such action is specifically authorized by law, provided that names and addresses otherwise permitted to be made public will not necessarily be withheld when requested.

(i) All requests for information under the Privacy Act received by the Agency will be acted upon as promptly as possible. Whenever practicable a response or an acknowledgment of the request will be sent within ten days.

§ 603.4 Requests for determination of existence of records.

Any individual desiring to know whether any system of records maintained by the Agency contains a record pertaining to him shall either send a written request to the Privacy Act Officer, U.S. Arms Control and Disarmament Agency, Room 5725, Department of State Building, 320 21st Street NW, Washington, D.C. 20451, or make an oral request in person during the Agency's normal business hours at the Agency Library located in Room 804, State Annex 6, 1700 North Lynn Street, Rosslyn, Virginia. All requests for determination of the existence of records should include sufficient information to identify the system of records, such as its name or **Federal Register** identifier number if known, in

addition to such identifying information as the individual's name and date of birth.

§ 603.5 Requests for disclosure to an individual of records pertaining to him.

(a) An individual desiring access to or copies of records maintained by the Agency shall either send a written request to the Privacy Act Officer, U.S. Arms Control and Disarmament Agency, Room 5725, Department of State Building, 320 21st Street NW, Washington, D.C. 20451, or make an oral request in person during the Agency's normal business hours, at the Agency Library, located in Room 804, State Annex 6, 1700 North Lynn Street, Rosslyn, Virginia. All requests for disclosure to an individual of records pertaining to him should include sufficient information to identify the record or system of records such as its name or **Federal Register** identifier number if known, in addition to such identifying information as the individual's name and date of birth.

(b) (1) Except as provided in paragraph (b)(2) of this section:

(i) If the individual making a written request is not personally known to the Privacy Act Officer or to other Agency personnel processing the request, the written request must include satisfactory evidence that the requester is in fact the individual to whom the requested records pertain. For this purpose, the Agency normally will be satisfied by the receipt of the requester's oath or attestation stipulating such facts, legally certified. Such requests must also include a statement signed by the requester declaring that he understands that it is a criminal offense to knowingly or willfully seek or obtain access, under false pretenses, to Agency records pertaining to another individual.

(ii) If the individual making a request in person is not personally known to the Privacy Act Officer or to other Agency personnel processing the request, the requester must present two identification documents (at least one of which must bear his picture) containing his signature and other suitable evidence of identity. Examples of acceptable documents are a driver's license, passport, employee identification card, or military identification card.

(2) Evidence that the requester is in fact the individual to whom the requested records pertain is not required for information which would be required to be made available to a third party under the Freedom of Information Act (5 U.S.C. 552).

(c) (1) Access to or copies of records requested pursuant to this section shall

be furnished except as provided in paragraph (c)(3) of this section.

(i) To an individual making a request in person, upon verification of personal identity as required in paragraph (b) of this section, to that individual, and if the individual is accompanied by any other person, upon his request, to that person, except that the Agency may require the individual to furnish a written statement authorizing disclosure of the individual's record in the presence of the accompanying person.

(ii) To an authorized representative or designee of an individual, if the individual has provided verification of personal identity as required in paragraph (b) of this section, and submits a signed, notarized statement authorizing and consenting to access or disclosure to the representative or designee.

(iii) To a physician authorized by a signed, notarized statement made by the individual making the request, in the event that the records requested are medical records of such a nature that the Privacy Act Officer has determined that the release of such medical information directly to the requester could have an adverse effect on the requester. The individual making the request must also provide verification of personal identity as required in paragraph (b) of this section.

(2) Access to records or copies of records requested shall be furnished as promptly as possible; however:

(i) Any individual making a request in person is advised that not all records are stored at the Agency Library and that there may be a delay of more than one day before requested records are assembled and access or copies can be provided.

(ii) Any individual making a request by mail is advised that while an initial acknowledgment of the request will be made in ten working days and in normal circumstances a full reply will be provided in ten working days, in unusual circumstances the full reply may take a longer period.

(3) Access to or copies of records requested pursuant to this section shall not be granted if:

(i) The individual making the request does not comply with the requirements for verification of personal identity as required in paragraph (b) of this section.

(ii) The records are exempt from disclosure pursuant to § 603.8.

(iii) Payment of fees, computed at a rate which permits recovery by the Agency of the costs incurred in making such copies, has not been received by the Agency before the copies are furnished. Unless otherwise provided by

statutory or regulatory authority, the fee required by this paragraph shall be computed at a rate of \$0.10 per copied page. A fee of \$1.00 shall be charged for certification of a record as a true copy. No copying fee will be charged if the Agency provides a copy in lieu of granting access to the record to an individual making a request in person, and no fees will be charged for search for and review of a record. Fees of less than one dollar shall be waived, but copying fees for contemporaneous requests by the same individual shall be aggregated. Remittances may be in the form of cash, a personal check or bank draft drawn on a bank in the United States, or a postal money order.

Remittances shall be made payable to the Treasurer of the United States and mailed or delivered to the Privacy Act Officer, U.S. Arms Control and Disarmament Agency, Room 5725, Department of State Building, 320 21st Street NW, Washington, D.C. 20451.

§ 603.6 Requests for amendment of records.

(a) An individual may request amendment of a record pertaining to him by sending a written request to the Privacy Act Officer, U.S. Arms Control and Disarmament Agency, Room 5725, Department of State Building, 320 21st Street NW, Washington, D.C. 20451. The request should identify the record sought to be amended, specify the precise nature of the requested amendment, and state why the requester believes that the record is not accurate, relevant, timely or complete.

(b) Not later than 10 days after receipt of such request (excluding Saturdays, Sundays and legal holidays), the Privacy Act Officer will acknowledge such receipt and promptly:

(1) Make any correction of any portion of the record pertaining to the individual which the Agency considers appropriate; and

(2) Inform the requester in writing of the action taken by the Agency, of the reason for refusing to comply with any portion of the request, and of the procedures established by the Agency to consider requests for review of such refusals.

(c) The Privacy Act Officer shall refuse to amend a record if the information therein is deemed by the Agency:

(1) To be relevant and necessary to accomplish a purpose of the Agency required to be accomplished by statute or by executive order of the President; and

(2) To be maintained with such accuracy, relevance, timeliness and completeness as is reasonably

necessary to assure fairness to the individual in making any determination about him; and

(3) Not to describe how the individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained.

(d) When the Privacy Act Officer agrees to amend a record, written notice that the record has been amended and the substance of the amendment will be sent to the last known address of all previous recipients of that record shown in Agency's Privacy Act Requests File.

§ 603.7 Appeals from denials of requests to amend.

(a) An individual who disagrees with the refusal of the Privacy Act Officer to amend his record may request a review of such refusal within 30 days of receipt of notice of the refusal. Such request should be addressed to the Director, U.S. Arms Control and Disarmament Agency, Room 5930, Department of State Building, 320 21st Street NW, Washington, D.C. 20451, and should include a copy of the written request which was refused, a copy of the denial complained of, and reasons for appeal from the denial.

(b) Review shall be made on the submitted record. No personal appearance, oral argument, or hearing shall be permitted.

(c) Review shall be completed and a final determination made not later than 30 days (excluding Saturdays, Sundays and legal holidays) from the date on which the request for such review is received. This 30-day limitation may be extended, at the discretion of the Director, for good cause shown. The requester shall be notified in writing of the Director's final determination.

(d) If, after completion of his review, the Director also refuses to amend the record as requested, the notice to the individual shall advise him of his right to file with the Agency a concise statement setting forth the reasons for his disagreement with this refusal and of his right to judicial review pursuant to the Act.

(e) When an individual has filed with the Agency a statement of disagreement following a refusal of the Director to amend the record as requested, the Agency will clearly note that portion of the record which is disputed and will send copies of the statement of disagreement to the last known address of all previous recipients of the disputed record shown in the Agency's Privacy Act Requests File.

§ 603.8 Exemptions.

(a) As authorized by the Act, the following categories of records are hereby exempted from the requirements of sections (c)(3), (d), (e)(4)(G), (H) and (I), and (f) of 5 U.S.C. 552a, and will not be disclosed to the individuals to which they pertain:

(1) System of Records of ACDA-4—Statements by Principals during the Strategic Arms Limitation Talks, Mutual Balanced Force Reduction negotiations, and the Standing Consultative Committee. This system contains information classified pursuant to Executive Order 11652 which is exempt from disclosure by the Act (5 U.S.C. 552a(k)(1)) in that disclosure could disrupt foreign relations affecting national security.

(2) System of Records ACDA-3—Security Records. This system contains investigatory material compiled for law enforcement purposes which is exempted from disclosures by the Act (5 U.S.C. 552a(k)(2)); *Provided, however*, That if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, if furnished to the Government prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(3) Systems of Records ACDA-3—Security Records. This system contains investigatory materials compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information which is exempt from disclosure by the Act (5 U.S.C. 552a(k)(5)), but only to the extent that this disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, if furnished to the Government prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(b) Nothing in these regulations shall be construed to allow an individual access to:

(1) Any information compiled in reasonable anticipation of a civil action or proceeding; or

(2) Testing or examination material used solely to determine individual qualification for appointment or promotion in the Federal Service, the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

§ 603.9 New and amended systems of records.

(a) The Agency shall provide adequate advance notice to Congress and to the Office of Management and Budget of any proposal to establish or alter any system of records. Such notice shall be in a form consistent with guidance on content, format and timing issued by the Office of Management and Budget.

(b) The Agency shall publish by August 31 of each year in the **Federal**

Register a notice of the existence and character of each system of records maintained by the Agency. Such notice shall be consistent with guidance on format contained in the Act and issued by the General Services Administration. At least 30 days before any new or changed routine use of records contained within a system of records can be made, the Agency shall publish notice of such new or changed use in the **Federal Register**.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum Services

Alphabetical List of Systems Names:

Personnel—IMS-2
Reviews and Panelists—IMS-1

National Endowment for the Arts

Alphabetical List of Systems Names:

Consultants—NEA-1
Contracts—NEA-2
Employee Payroll, Leave and Attendance Records and Files—NEA-3
Equal Employment Opportunity Case File—NEA-4
Grant Applications—NEA-5
Grants to Individuals and Institutions—NEA-6
Personnel Records—NEA-7
Fellows—NEA-8

National Endowment for the Humanities

Alphabetical List of Systems Names:

Consultants, Reviewers and Panelists—NEH-1
Contracts—NEH-2
Employee Payroll, Leave and Attendance Records and Files—NEH-3
Equal Employment Opportunity Case File—NEH-4
Grant Applications—NEH-5
Grants to Individuals—NEH-6
Personnel Records—NEH-7

INSTITUTES OF MUSEUM SERVICES

IMS-1

System name:

Reviewers and Panelists—IMS-1.

System location:

IMS—1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

Categories of individuals covered by the system:

Past and present members of application review panels and experts who may be called upon to review grant applications.

Categories of records in the system:

Contains name, address and telephone number of individual. Contains compensation claims, travel diaries, notification of personnel actions, correspondence. May contain curriculum vitae and press clippings.

Authority for maintenance of the system:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 965).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The records are used by IMS staff in administration of the grant review system, including identification of experts serve as reviewers and panelists; disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in 9 inch by 12 inch folders or computer data base.

Retrievability:

Indexed by name or indexed keys.

Safeguards:

Records are maintained in file cabinets in lockable rooms or computer controlled by passwords.

Retention and disposal:

Retained indefinitely.

System manager(s) and address:

Rebecca Danvers, Program Director, Institute of Museum Services, 1100 Pennsylvania Avenue, NW, Washington, D.C. 20506.

Notification procedure:

See Title 45 CFR Part 1115.

Record access procedures:

Same as above.

Record source categories:

Individual on whom record is maintained, newspapers and journals, IMS employees.

IMS-2

System name:

Personnel Records—IMS-2.

System location:

National Endowment for the Humanities, Room 417, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

This system of records is part of the Office of Personnel Management's government-wide system of personnel records "OPM/GOVT-1-General Personnel Records" and subject to that agency's rules.

NATIONAL ENDOWMENT FOR THE ARTS

NEA-1

System name: Consultants NEA-1.

System location: 2401 E St., NW, Washington, D.C. 20506.

Categories of individuals covered by the system: Past and present members of the National Council on the Arts, and grant or policy panelists serving on advisory panels to the National Endowment for the Arts.

Categories of records in the system: Contains name, address and telephone number of individual. Contains correspondence and routine administrative records relating to travel, and remuneration. May contain curriculum vitae and press clippings.

Authority for maintenance of the system: National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Identification of NEA consultants, and their activities; disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in letter size folder.

Retrievability: Indexed by name.

Safeguards: Records are maintained in lockable drawers or file cabinets.

Retention and disposal: Unscheduled records, disposition to be determined.

System manager(s) and address: Director, NEA Program Offices, and Director, Council and Panel Operations, National Endowment for the Arts, 2401 E St., NW, Washington, D.C. 20506.

Notification procedure: See Title 45 CFR Part 1115.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom record is maintained, newspapers and journals, NEA employees.

NEA-2

System name: Contracts NEA-2

System location: Contracts Section, Office of Administration, Rm. W-728, 2401 E St., NW, Washington, D.C. 20506.

Categories of individuals covered by the system: Individuals who have entered into contracts with the National Endowment for the Arts.

Categories of records in the system: Contains contract, contract number, name and address of contractor, specific and general contract provisions, contract amendments, correspondence, relevant backup material.

Authority for maintenance of the system: National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: General Accounting Office audits, general congressional oversight; disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in legal size folder, and machine-readable file.

Retrievability: Indexed by name and contract number.

Safeguards: Records are maintained in a lockable file cabinet.

Retention and disposal: Disposition in accordance with GRS 3, Item 4a.

System manager(s) and address: Contracting Officer, National Endowment for the Arts, 2401 E St., NW, Washington, D.C. 20506.

Notification procedure: See Title 45 CFR Part 1115.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained. NEA employees involved in contract development, administration, and execution.

NEA-3

System name: Employee Payroll, and Leave and Attendance Records, NEA-3.

System location: Personnel Division, Rm. W-711, 2401 E St., NW, Washington, D.C. 20506.

Categories of individuals covered by the system: NEA employees.

Categories of records in the system: Records consist of manual and machine-readable files containing payroll-related information for NEA employees. Payroll and leave and attendance records and information includes many records or information also maintained in employee's official personnel folder and related files maintained in accordance with Office of Personnel Management regulations and of which notice has been given in its notice of Government wide systems of personnel records. Payroll and related information consists of various forms which disclose on a biweekly, year-to-date, and in some cases an annual basis, payroll and leave data for each employee relating to rate and amount of pay, leave, and hours worked, and leave balance; tax and retirement deductions; life insurance and health insurance deductions; savings allotments; savings bond and charity deductions; mailing addresses and home addresses.

Authority for maintenance of the system: National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.), Federal Personnel Manual and Treasury Fiscal Requirements Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to prepare payroll and to meet Government payroll recordkeeping and reporting requirements, and for retrieving and supplying payroll and leave information as required for agency needs. Office of Personnel Management Notice of Governmentwide Systems of Personnel Records: "OPM—General Personnel Records (Official Personnel folder and records related thereto)"; disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual files, and GSA administered MAPS, automated payroll system.

Retrievability: Indexed by name, and social security number.

Safeguards: Manual records are maintained in locked file cabinet. Accessibility to MAPS system limited to authorized personnel using code.

Retention and disposal: Records maintained for three years or until audited by the General Accounting Office.

System manager(s) and address:

Personnel Officer, Room W-711, 2401 E St., NW, Washington, D.C. 20506.

Notification procedure:

See Title 45 CFR Part 1115.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual on whom the record is maintained.

NEA-4

System name:

Equal Employment Opportunity Case File, NEA-4.

System location:

Equal Employment Opportunity Program, Room 1300, 2401 E St., NW, Washington, D.C. 20506.

Categories of individuals covered by the system:

NEA employees and job applicants.

Categories of records in the system:

Contains transcripts, documentation concerning pre-complaint counseling activities, documentation concerning filing of complaint, written records of terms of adjustment and disposition of complaint.

Authority for maintenance of the system:

Title 5 CFR Chapter I, Part 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Implementation of NEA program for equal opportunity in employment and personnel operations; disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in legal size folder.

Retrievability:

Retrievable by name.

Safeguards:

Maintained in lockable filing cabinets.

Retention and disposal:

Disposition in accordance with GRS 1, Item 26.

System manager(s) and address:

Equal Employment Opportunity Officer, National Endowment for the Arts, 2401 E St., NW, Washington, D.C. 20506.

Notification procedure:

See Title 45 CFR Part 1115.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual on whom the record is maintained. NEA employees involved in the claim or proceeding.

NEA-5

System name:

Grant Applications, NEA-5.

System location: 2401 E St., NW, Washington, D.C. 20506.

Categories of individuals covered by the system: Individuals applying to the National Endowment for the Arts for financial assistance.

Categories of records in the system: Grant application, sample of work where appropriate.

Authority for maintenance of the system: National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: General Administration of grant review process; statistical research; congressional oversight and analysis of trends; disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Grant applications maintained in legal size folder, and related machine-readable files stored in an automated grants management system.

Retrievability: Indexed by name and application number.

Safeguards: Records are maintained in a lockable file cabinet.

Retention and disposal: Unscheduled records, disposition to be determined.

System manager(s) and address: Grants Officer, National Endowment for the Arts, Room 1144, 2401 E St., NW, Washington, D.C. 20506.

Notification procedure: See Title 45 CFR Part 1115.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained.

NEA-6

System name: Grants to Individuals, NEA-6.

System location: Grants Office, 2401 E St., NW, Washington, D.C. 20506

Categories of individuals covered by the system: Individuals receiving grant awards (fellowships) from the National Endowment for the Arts.

Categories of records in the system: Grant application, including sample of work where appropriate, award notification letter, grant award acceptance agreement, payment schedule, relevant correspondence, final report.

Authority for maintenance of the system: National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: General administration of grant review and award process; statistical research; congressional oversight and analysis of trends; disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Grant case file maintained in legal size folder, and related machine-readable file stored in an automated grants management system.

Retrievability: Indexed by name and grant number.

Safeguards: Records are maintained in lockable filing cabinets.

Retention and disposal: Unscheduled records, disposition to be determined.

System manager(s) and address: Grants Officer, National Endowment for the Arts, Room 1144, 2401 E St., NW, Washington, D.C. 20506.

Notification procedure: See Title 45 CFR Part 1115.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained. NEA employees involved in the administration of the grant.

NEA-7

System name:

Personnel Records, NEA-7.

System location:

Personnel Division, Room W-717, 2401 E St., NW, Washington, D.C. 20506.

Categories of individuals covered by the system:

NEA employees.

Categories of records in the system:

Contains copies of official personnel records.

Authority for maintenance of the system:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Identification of NEA employees and their personnel records. Used for internal reporting; also referred to any appropriate agency, private organization or official in the course of an employment or security clearance investigation; disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of an individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in letter size folder.

Retrievability:

Retrieved by name.

Safeguards:

Stored in lockable file cabinets.

Retention and disposal:

Retained during course of employment and for one month subsequent to termination thereof; thereafter sent to St. Louis, Mo.

System manager(s) and address:

Personnel Officer, National Endowment for the Arts, Room W-711, 2401 E St., NW, Washington, D.C. 20506.

Notification procedure:

See Title 45 CFR Part 1115.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual to whom the record pertains, NEA employees.

NEA-8

System name:

Fellows, NEA-8.

System location:

Fellowship Program, Rm. 1323, 2401 E St., NW, Washington, D.C. 20506.

Categories of individuals covered by the system:

Past and present participants in the National Endowment Fellowship Program.

Categories of records in the system:

Contains resume and essay submitted by candidate, letters of recommendation, grant award letter, cash request, correspondence.

Authority for maintenance of the system:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Identification of past and present participants in the National Endowment Fellowship Program, general reference purposes; disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in legal size folder.

Retrievability:

Indexed by name.

Safeguards:

Records are maintained in lockable filing cabinets.

Retention and disposal:

Unscheduled records, disposition to be determined.

System manager(s) and address:

Fellowship Program Officer, National Endowment for the Arts, Room 1323, 2401 E St., NW, Washington, D.C. 20506.

Notification procedure:

See Title 45 CFR Part 1115.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual on whom the record is maintained, reference sources for individual.

NATIONAL ENDOWMENT FOR THE HUMANITIES

NEH-1

System name: Consultants, Reviewers and Panelists—NEH-1.

System location: NEH-806 15th Street, NW, Washington, DC 20506.

Categories of individuals covered by the system: Past and present members of the National Council on the Humanities, Advisory Panels to the Humanities Endowment, and scholars and experts who may be called upon to serve on advisory panels or to review applications.

Categories of records in the system: Contains name, address and telephone number of individual. Contains compensation claims, travel

diaries, notification of personnel actions, correspondence. May contain curriculum vitae and press clippings.

Authority for maintenance of the system: National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.).

The records are used by Endowment staff in administration of our peer review system, including identification of scholars to serve as consultants, reviewers and panelists; disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in 9 inch by 12 inch folders or computer data base.

Retrievability: Indexed by name or indexed keys.

Safeguards: Records are maintained in lockable drawers, file cabinets, or computer controlled by passwords.

Retention and disposal: Retained indefinitely.

System manager(s) and address: Secretary to the National Endowment for the Humanities, ADP Systems, Room 817, 1100 Pennsylvania Avenue NW, Washington, DC 20506.

Notification procedure: See Title 45 CFR Part 1115.

Record access procedures: Same as above.

Record source categories: Individual on whom record is maintained, newspapers and journals, Endowment employees.

NEH-2

System name:

Contract—NEH-2.

System location:

NEH—Office of the General Counsel, Room 530-1100 Pennsylvania Avenue, NW, Washington, D.C. 20506.

Categories of individuals covered by the system:

Individuals who have entered into contracts with the Endowment.

Categories of records in the system:

Contains contract, including name and address of contractor, specific and general contract provisions, contract amendments, correspondence, relevant back-up material.

Authority for maintenance of the system:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

General Accounting Office audits; reporting on agency contracting activities to the Federal Procurement Data Center and other agencies, general congressional oversight; disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

Disclosure to consumer reporting agencies:

Disclosure pursuant to 5 U.S.C. 552a(b)(12). Disclosure may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Debt Collection Act of 1982 (31 U.S.C. 3711(d)(4)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in 12 inch by 10 inch folders.

Retrievability:

Indexed by name and number.

Safeguards:

Records are maintained in a lockable file cabinet.

Retention and disposal:

Scheduled for destruction 6 years, 3 months after final payment is made.

System manager(s) and address:

General Counsel—NEH Room 530, 1100 Pennsylvania Avenue, NW, Washington, D.C. 20506.

Notification procedure:

See Title 45 CFR Part 1115.

Record access procedures:

Same as above.

Record source categories:

Individual on whom the record is maintained. Foundation employees involved in contract development, administration, and execution.

NEH-3

System name: Employee Payroll and Leave and Attendance Records and Files—NEH-3.

System location: Payroll Processing Branch, 1500 Bannister Road, Kansas City, MO 64131.

Categories of individuals covered by the system: Endowment employees.

Categories of records in the system: Records consist of manual and automated files containing payroll-related information for Endowment employees. Payroll and leave and attendance records and information includes many records or information also maintained in employee's official folder and related files maintained in accordance with Office of Personnel Management regulations and of which notice has been given by the OPM in its notice of Governmentwide systems of personnel records. Payroll and related information consists of various forms which disclose on a biweekly, year-to-date, and in some cases an annual basis, payroll and leave data for each employee relating to rate and amount of pay, leave, and hours worked, and leave balances; tax and retirement deductions; life insurance and health insurance deductions; savings allotments; savings bond and charity deductions; mailing addresses and home addresses.

Authority for maintenance of the system: National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.); Federal Personnel Manual and Treasury Fiscal Requirements Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to prepare payroll and to meet Government payroll recordkeeping and reporting requirements, and for retrieving and supplying payroll and leave information as required for agency needs. Notice of Governmentwide Systems of Personnel Records: "C.S.C.—General Personnel Records (Official Personnel folder and records related thereto)"; disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Time and attendance files maintained on 8 inch by 5 inch cards included with other information maintained in 9 inch by 12 inch folders or computer data base.

Retrievability: Indexed by name.

Safeguards: Records are maintained in a lockable file cabinet, or computer data base controlled by password.

Retention and disposal: Records maintained for three years or until audited by the General Accounting Office.

System manager(s) and address: Accounting Officer, Room 317, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

Notification procedure: See Title 45 CFR Part 1115.

Record access procedures: Same as above.

Record source categories: Individual on whom the record is maintained.

NEH-4

System name: Equal Employment Opportunity Case File—NEH-4.

System location: Room 506, 806 15th Street, NW, Washington, DC 20506.

Categories of records in the system: Contains transcripts, documentation concerning pre-complaint counseling activities, documentation concerning filing of complaint, written records of terms of adjustment and disposition of complaint.

Authority for maintenance of the system: Title 5 CFR Chapter I, Part 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Implementation of Endowment program for equal opportunity in employment and personnel operations; disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in 9 inch by 12 inch folders.

Retrievability: Retrievable by name.

Safeguards: Maintained in lockable filing cabinets.

Retention and disposal: Retained for four years after resolution of the case, then destroyed.

System manager(s) and address: Equal Employment Opportunity Officer, Room 506, 806 15th St., NW, Washington, DC 20506.

Notification procedure: See Title 45 CFR Part 1115.

Record access procedures: Same as above.

Record source categories: Individual on whom the record is maintained. Foundation employees involved in the claim or proceeding.

NEH-5

System name:

Grant Applications—NEH-5.

System location:

1100 Pennsylvania Avenue, NW, Washington, D.C. 20506.

Categories of individuals covered by the system:

Individuals and institutions applying to the National Endowment for the Humanities for financial assistance.

Categories of records in the system:

Grant application, sample of work where appropriate.

Authority for maintenance of the system:

National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

General administration of grant review process; statistical research; congressional oversight and analysis of trends; disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

Disclosure to consumer reporting agencies:

Disclosure pursuant to 5 U.S.C. 552a(b)(12). Disclosure may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Debt Collection Act of 1982 (31 U.S.C. 3711(d)(4)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

9 inch by 12 inch folders.

Retrievability:

Indexed by name of applicant.

Retention and disposal:

Successful applications are merged into "Grants to Individuals and Institutions" file. Rejected applications are retained for five years then destroyed.

System manager(s) and address:

Grants Office—NEH, Room 310, 1100 Pennsylvania Avenue, NW, Washington, D.C. 20506.

Notification procedure:

See Title 45 CFR Part 1115.

Record access procedures:

Same as above.

Record source categories:

Individual and institution on whom the record is maintained.

NEH-6

System name:

Grants to Individuals and Institutions—NEH-6.

System location:

1100 Pennsylvania Avenue, NW, Washington, D.C. 20506.

Categories of individuals covered by the system:

Individuals and institutions receiving grant awards from the National Endowment for the Humanities.

Categories of records in the system:

Grant application including sample of work where appropriate, award notification letter, grant award acceptance agreement, payment schedule, relevant correspondence, final report.

Authority for maintenance of the system:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Administrative processing, general statistical research, congressional analysis of trends, disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

Information concerning grantees, principal investigator's location of grantees, title of grant, field of study, type of grantee, special characteristics, length of award, application date, date of recommendation, grant number, division and program element, amount and brief description of purpose of award is routinely forwarded to the Smithsonian Science Information Exchange (SSIE) and the Foreign Area Research Unit (FARU) in the Intelligence and Research Office of the Department of State.

Disclosure to consumer reporting agencies:

Disclosure pursuant to 5 U.S.C. 552a(b)(12): Disclosure may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Debt Collection Act of 1982 (31 U.S.C. 3711(d)(4)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in 9 inch by 12 inch folders.

Retrievability:

Indexed by name of individual, name of institution and number.

Safeguards:

Records are maintained in a lockable filing cabinet.

Retention and disposal:

After receipt of final reports. Retained for ten years.

System manager(s) and address:

Grants Office—NEH, Room 310, 1100 Pennsylvania Avenue, NW, Washington, D.C. 20506.

Notification procedure:

See Title 45 CFR Part 1115.

Record access procedures:

Same as above.

Record source categories:

Individual on whom the record is maintained. Employees involved in administration of the grant.

NEH-7

System name: Personnel Records—NEH-7.

System location: Room 410, 806 15th Street, NW, Washington, DC 20506.

This system of records is part of the Office of Personnel Management's government-wide system of personnel records "OPM/GOVT-1—General Personnel Records" and subject to that agency's rules.

Title 45—Public Welfare

Chapter XI—National Foundation on the Arts and the Humanities

PART 1115—PRIVACY ACT REGULATIONS

Sec.

- 1115.1 Purpose and scope.
- 1115.2 Definitions.
- 1115.3 Procedures for notification of existence of records pertaining to individuals.
- 1115.4 Procedures for requests for access to or disclosure of records pertaining to an individual.
- 1115.5 Correction of records.
- 1115.6 Disclosure of records to agencies or persons other than the individual to whom the record pertains.
- 1115.7 Exemptions.

Authority: 5 U.S.C. 552a(f).

Source: 40 FR 49286, Oct. 21, 1975, unless otherwise noted.

§ 1115.1 Purpose and scope.

This part sets forth the National Foundation on the Arts and the Humanities' procedures under the Privacy Act of 1974 as required by 5 U.S.C. 552a(f). Internal guidance for Foundation staff and other regulations implementing the Privacy Act are contained or will be contained in Foundation circulars.

§ 1115.2 Definitions.

For purposes of this part:

- (a) "Foundation" means the National Foundation on the Arts and the Humanities.
- (b) "Act" means the Privacy Act of 1974 (Pub. L. 93-579).
- (c) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.
- (d) "Maintain", used with reference to a record means to collect, to use, to disseminate, to have control over and responsibility for such record.
- (e) "Record" means any item, collection or grouping of information about an individual that is maintained by the Foundation and that is retrievable by his or her name or an identifying particular, such as a number, symbol, fingerprint, or photograph of the individual. Information maintained by the Foundation includes, but is not limited to, education, financial transactions, medical history, employment history and criminal history.
- (f) "Routine use" means, with respect to the disclosure of a record, the use of such a record for a purpose which is compatible with the purpose for which it was collected. The routine uses of record systems maintained by the

Foundation were established pursuant to notice in the **Federal Register**.

(g) "System of records" means a group of any records under the control of the Foundation from which information about an individual is retrievable by his or her name or by some identifying particular.

§ 1115.3 Procedures for notification of existence of records pertaining to individuals.

(a) The systems of records, as defined in the Privacy Act of 1974, maintained by the National Foundation on the Arts and the Humanities are listed annually in the **Federal Register** as required by that Act. Any person who wishes to know whether a system of records contains a record pertaining to him may appear in person at the National Endowment for the Arts, Room 1338, 2401 E Street NW, Washington, D.C. 20506 or the National Endowment for the Humanities, Room 1000, 806 15th Street NW, Washington, D.C. 20506, on work days between the hours of 9:00 a.m. and 5:30 p.m. or by writing to the Office of the General Counsel, National Endowment for the Arts or National Endowment for the Humanities, Washington, D.C. 20506. It is recommended that requests be made in writing, since in many cases it will take several days to ascertain whether a record exists.

(b) Requests for notification of the existence of a record should specifically identify the system of records involved and should state, if the requestor is other than the individual to whom the record pertains, the relationship of the requestor to that individual. (Note that requests will not be honored by the Foundation pursuant to the Privacy Act unless made (1) by the individual to whom the record pertains, (2) by such individual's parent if the individual is a minor, or (3) by such individual's legal guardian if the individual has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction).

(c) The Foundation will attempt to respond to a request as to whether a record exists within 10 working days from the time it receives the request or from the time any required identification is established, whichever is later.

§ 1115.4 Procedures for requests for access to or disclosure of records pertaining to an individual.

(a) Any person may request review of records pertaining to him by appearing at the National Endowment for the Arts, Room 1338, 2401 E Street, NW, Washington, D.C. 20506, or the National Endowment for the Humanities, Room

1000, 806 15th Street, NW, Washington, D.C. 20506 on work days between the hours of 9:00 a.m. and 5:30 p.m. or by writing to the Office of the General Counsel, National Endowment for the Arts, or National Endowment for the Humanities, Washington, D.C. 20506. (See paragraphs (b) and (c) of this section for identification requirements.) The request should specifically identify the systems or records involved. The Foundation will strive either to make the record available within 15 working days of the request or to inform the requestor of the need for additional identification or the tendering of fees (as specified in paragraph (d) of this section) within 15 working days.

(b) In the case of persons making requests by appearing at the Foundation, the amount of personal identification required will of necessity vary with the sensitivity of the record involved. Except as indicated below, reasonable identification such as employment identification cards, drivers licenses, and credit cards will normally be accepted as sufficient evidence of identity in the absence of any indications to the contrary. Records in the following systems of records, however, are considered to contain relatively sensitive and/or detailed personal information—

GRANT APPLICATIONS—NEA.
GRANT APPLICATIONS—NEH.
GRANTS TO INDIVIDUALS—NEA.
GRANTS TO INDIVIDUALS AND INSTITUTIONS—NEH.
EQUAL EMPLOYMENT OPPORTUNITY CASE FILE—NFAH NEA/NEH.
EMPLOYEE PAYROLL—NFAH.
PERSONNEL RECORDS—NFAH.

Accordingly, with respect to requests for records in these systems the Foundation reserves the rights to require sufficient identification to identify positively the individual making the request. This might involve independent verification by the Foundation as by phone calls to determine whether an individual has made a request, personal identification by Foundation employees who know the individual, or such other means as are considered appropriate under the circumstances.

(c) A written request will be honored only if it contains the following certification before a duly commissioned notary public of any state or territory (or similar official if the request is made outside the United States):

I, _____ (Printed name), do hereby certify that I am the individual about whom the record requested in this letter pertains or that I am within the class of

persons authorized to act on his behalf in accordance with 5 U.S.C. 552a(h).

Signature _____

Date _____
In the County of _____ State
of _____, On this _____ day of _____

(Name of individual)
who is personally known to me, did appear
before me and sign the above certificate.

Signature _____

Date _____
(s) My Commission expires _____

However, where the record requested is contained in any of the systems of records listed in paragraph (b) of this section, the Foundation reserves the right to require additional identification and/or to independently verify to its satisfaction, the identity of the requestor.

(d) Charges for copies of records will be at the rate of \$0.10 per photography of each page. Where records are not susceptible to photo-copying, e.g., punch cards, magnetic tapes or oversize materials, the amount charged will be actual cost as determined on a case-by-case basis. Only one copy of each record requested will be supplied. No charge will be made unless the charge as computed above would exceed \$3.00 for each request or related series of requests. If a fee in excess of \$25.00 would be required, the requestor shall be notified and the fee must be tendered before the records will be copied.

1115.5 Correction of records.

(a) Any individual is entitled to request amendments of records pertaining to him pursuant to 5 U.S.C. 552a(d)(2). Such a request shall be made in writing and addressed to the Office of the General Counsel, National Endowment for the Arts or National Endowment for the Humanities, Washington, D.C. 20506.

(b) The request should specify the record and systems of records involved, and should specify the exact correction desired and state that the request is made pursuant to the Privacy Act. An edited copy of the record showing the desired correction is desirable. Within 10 working days of the receipt of a properly addressed request (or within 10 working days of the time the General Counsel, National Endowment for the

Arts or the General Counsel, National Endowment for the Humanities becomes aware that a particular communication not addressed as prescribed above is a request for correction of a record under the Privacy Act), the General Counsel's office shall acknowledge receipt of the request.

(c) The General Counsel's office upon receipt of such a request shall promptly confer with the office within the Foundation responsible for the record. In the event it is felt that correction is not warranted in whole or in part, the matter shall be brought to the attention of the Deputy Chairman of the Endowment involved. If, after review by the Deputy Chairman of the involved Endowment and discussion with the requestor, if deemed helpful, it is determined that correction as requested is not warranted, a letter shall be sent by the Deputy Chairman's office to the requestor denying his request and/or explaining what correction might be made if agreeable to the requestor. This letter shall set forth the reasons for the refusal to honor the request for correction. It shall also inform him of his right to appeal this decision and include a description of the appeals procedure set forth in paragraph (d) of this section.

(d) An appeal may be taken from an adverse determination under paragraph (c) of this section to the Assistant Chairman/Management, National Endowment for the Arts or the Chairman, National Endowment for the Humanities. Such appeal must be made in writing and should clearly indicate that it is an appeal. The basis for the appeal should be included, and it should be mailed to the same address as listed in paragraph (a) of this section. A hearing at the Foundation may be requested. Such hearing will be informal, and shall be before the Assistant Chairman/Management, National Endowment for the Arts, the Chairman, National Endowment for the Humanities, or an appointed designee. If no hearing is requested, the request for appeal should include the basis for the appeal. Where no hearing is requested the Assistant Chairman or Chairman before whom the appeal is taken shall render his decision within thirty working days after receipt of the written appeal at the Foundation, unless the Assistant Chairman or Chairman before whom the appeal is taken, for good cause shown, extends the 30-day period and the appellant is advised in writing of such extension. If a hearing is requested, the Foundation will attempt

to contact the appellant within five working days and arrange a suitable time for the hearing. In such cases the decision of the Assistant Chairman or Chairman shall be made within 30 working days after the hearing unless the time is extended and the appellant is advised in writing of such extension.

(e) The final decision of the Assistant Chairman or Chairman in an appeal shall be in writing, and, if adverse to the appellant, set forth the reasons for the refusal to amend the record and advise him of his right to appeal the decision under 5 U.S.C. 552a(g)(1)(A). The individual shall also be notified that he has the right to file with the Foundation a concise statement setting forth the reasons for this disagreement with the refusal of the Foundation to amend his record.

§ 1115.6 Disclosure of records to agencies or persons other than the individual to whom the record pertains.

Records subject to the Privacy Act that are requested by any person other than the individual to whom they pertain will not be made available except under the following circumstances:

(a) Records required to be made available by the Freedom of Information Act will be released in response to a request formulated in accordance with Foundation regulations found at 45 CFR Part 1100.

(b) Records not required by the Freedom of Information Act to be released may be released, at the discretion of the Foundation, if the written consent of the individual to whom they pertain has been obtained or if such release would be authorized under 5 U.S.C. 552a(b)(1) or (3)-(11).

§ 1115.7 Exemptions.

(a) *Fellowships and grants.* Pursuant to 5 U.S.C. 552a(k)(5), the Foundation hereby exempts from the application of section 552a(d) any materials which would disclose the identity of references for fellowship or grant applicants contained in any of the Foundation's systems of records.

(b) *Applicants for employment.* Pursuant to 5 U.S.C. 552a(k)(5), the Foundation hereby exempts from the application of 5 U.S.C. 552a(d) any materials which would disclose the identity of references of applicants for employment at the Foundation contained in the system of records entitled "Official Personnel Folders".

BOARD FOR INTERNATIONAL BROADCASTING

TABLE OF CONTENTS

BIB-1 General Financial Records.
BIB-2 Payroll Records.
BIB-3 Grievance Records
Appendix.

BIB-1

System name: General Financial Records—BIB.

System location: General Services Administration, Central Office; copies held by the Board (GSA holds records for the Board under contract).

Categories of individuals covered by the system: Board members, staff and consultants, past and present.

Categories of records in the system: SF-1038 application and account for advance of funds; vendor register and vendor payment tape.

Authority for maintenance of the system: 31 U.S.C., generally; Pub. L. 93-129, October 19, 1973.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix. Records are also released to GAO for audits; to IRS for investigation; and to private attorneys, pursuant to a power of attorney.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and Tape.

Retrievability: Manual and automated by name.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Special Assistant to the Executive Director, Board for International Broadcasting, Suite 430, 1030 Fifteenth Street, NW, Washington, D.C. 20005.

Notification procedure: Contact system manager listed above.

Record access procedures: See Board access regulations in Title I CFR CH. IV Part 415.

Contesting record procedures: See Board access regulations in Title I CFR CH. IV Part 415.

Record source categories: The subject individual; the Board.

BIB-2

System name: Payroll Records—BIB.

System location: General Services Administration; Region Three office; copies held by the Board (GSA holds records for Board under contract).

Categories of individuals covered by the system: Board members, staff and consultants, past and present.

Categories of records in the system: Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records; requests for deductions; tax forms; W2 forms; overtime requests; leave data; retirement records.

Authority for maintenance of the system: 31 U.S.C., Generally; Pub. L. 93-129, October 19, 1973.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix. Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys, pursuant to a power of attorney.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and Tape.

Retrievability: Social security number.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Special Assistant to the Executive Director, Board for International Broadcasting, Suite 430, 1030 Fifteenth Street, NW, Washington, D.C. 20005.

Notification procedure: Contact the system manager listed above.

Record access procedures: See Board access regulations in Title I CFR Chapter IV Part 415.

Contesting record procedures: See Board access regulations in Title I CFR Chapter IV Part 415.

Record source categories: The subject individual; the Board.

BIB-3

System name: Grievance Records—BIB.

System location: Agency Liaison Division, General Services Administration (GSA), which under contractual arrangement holds such records. Board for International Broadcasting (BIB) personnel files contain copies.

Categories of individuals covered by the system: Current and former Board Members, staff and consultants.

Categories of records in the system: System contains records relating to grievances filed by current and former Board Members, staff and consultants. Case files contain all documents related to a given grievance, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, copy of the original decision and related correspondence and exhibits.

Authority for maintenance of the system: 31 U.S.C. generally; Pub. L. 93-129, October 19, 1973.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records may be used:

a. To disclose pertinent information to the appropriate Federal, State or local agency responsible for investigating, prosecuting, enforcing or implementing a statute, rule, regulation or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested.

c. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

d. By the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

e. To disclose information to officials of the National Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission, when requested in performance of their authorized duties.

f. To provide information to officials of labor organizations reorganized under the Civil Service Reform Act, when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices and matters affecting work conditions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders.

Retrievability: These records are retrieved by the names of the individuals on whom they are maintained.

Safeguards: These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

Retention and disposal: These records are destroyed 3 years after closing of a given case. Disposal is by shredding or burning.

System manager(s) and address: Budget and Administrative Officer, Board for International Broadcasting, 1030 15th Street, NW, Suite 430, Washington, D.C. 20005.

Notification procedure: It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the agency personnel office or other such designated office where the action was processed, regarding the existence of such records on them. They must furnish the following information for their records to be located and identified:

a. Name.

b. Date of birth.

c. Approximate date of closing of the case and kind of action taken.

d. Organizational component involved.

Record access procedures: It is required that individuals submitting grievances be provided a copy of the record under the grievance process. However, after the action has been closed, an individual may request access to the official copy of the grievance file by contacting the BIB Budget and Administrative Officer.

Individuals must provide the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.
- c. Approximate date of closing of the case and kind of action taken.
- d. Organizational component involved.

Individuals requesting access must also follow the BIB's Privacy Act regulations regarding access to records and verification of identity (1 CFR Chapter IV Part 415).

Contesting record procedures: Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case and will not include a review of the merits of the action, determination or finding.

Individuals wishing to request amendment to their records to correct factual errors should contact the agency personnel office or other such designated office where the grievance was processed. Individuals must furnish the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.
- c. Approximate date of closing of the case and kind of action taken.
- d. Organizational component involved.

Individuals requesting access must also follow the BIB's Privacy Act regulations regarding access to records and verification of identity (1 CFR CH.IV Part 415).

APPENDIX

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether

arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violations or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement or a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

A record from this system of records may be disclosed to officers and employees of a Federal agency for purposes of audit.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that circular.

Title 22-Foreign Relations

PART 1301—BOARD FOR INTERNATIONAL BROADCASTING— (PRIVACY ACT OF 1974)

Sec.

- 1301.1 Purpose and scope.
- 1301.2 Definitions.
- 1301.3 Procedures for requests pertaining to individual records in a record system.
- 1301.4 Times, places, and requirements for the identification of the individual making a request.
- 1301.5 Disclosure of requested information to the individual.
- 1301.6 Access to the accounting of disclosures from records.
- 1301.7 Request for correction or amendment to the record.
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- 1301.10 Disclosure of record to a person other than the individual to whom the record pertains.
- 1301.11 Fees.

Authority: 5 U.S.C. 552a; Pub. L. 93-579.

Source: 41 FR 10413, Mar. 11, 1976, unless otherwise noted. Redesignated at 45 FR 17137, Mar. 18, 1980.

§ 1301.1 Purpose and scope.

The purposes of these regulations are to:

(a) Establish a procedure by which an individual can determine if the Board for International Broadcasting (hereafter known as the Board) maintains a system of records which includes a record pertaining to the individual; and

(b) Establish a procedure by which an individual can gain access to a record pertaining to him or her for the purpose of review, amendment and/or correction.

§ 1301.2 Definitions.

For the purpose of these regulations—

(a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) The term "maintain" includes maintain, collect, use or disseminate;

(c) The term "record" means any item, collection or grouping of information about an individual that is maintained by the Board, including, but not limited to, his or her employment history, payroll information, and financial transactions and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as social security number;

(d) The term "system of records" means a group of any records under the control of the Board from which

information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual; and

(e) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 1301.3 Procedures for requests pertaining to individual records in a record system.

An individual shall submit a request to the Budget and Administrative Officer of the Board, Suite 430, 1030 Fifteenth Street, Northwest, Washington, D.C. 20005, in person or in writing, to determine if a system of records named by the individual contains a record pertaining to the individual, or if the Board maintains any systems of record which pertain to the individual. The individual shall submit a request to the Budget and Administrative Officer of the Board which states the individual's desire to review his or her record. Individuals who require assistance in identifying systems of record, or in preparing requests identifying systems of record for access, or who need assistance in requesting amendments, may address such requests to the Budget and Administrative Officer of the Board, Suite 430, 1030 Fifteenth Street, Northwest, Washington, D.C. 20005.

§ 1301.4 Times, places, and requirements for the identification of the individual making a request.

An individual making a request to the Budget and Administrative Officer of the Board pursuant to § 1301.3 shall present the request at the Board offices, Suite 430, 1030 Fifteenth Street, NW, Washington, D.C. 20005, on any business day between the hours of 9 a.m. and 5:30 p.m., or in writing. The individual submitting the request should present himself or herself at the Board's offices with a form of identification which will permit the Board to verify that the individual is the same individual as contained in the record requested, such as a valid driver's permit, employee identification card, or Medicare card, or a signed statement from the individual asserting his or her identity and stipulating that he or she understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to \$5,000. If the individual seeks access by mail, the Board will require similar identification as required of those persons requesting access to records in person, or by identifying data such as name, date of

birth, or system personal identifier (if known to the individual). Requests for access to systems of record will be acknowledged within ten days of receipt. The acknowledgement will indicate whether or not access can be granted and, if so, that it will be within a 30-day period unless, for good cause shown, the Board is unable to do so.

§ 1301.5 Disclosure of requested information to the individual.

Upon verification of identity either in person or in written form to the Budget and Administrative Officer of the Board, Suite 430, 1030 Fifteenth Street, Northwest, Washington, D.C. 20005, and in accordance with the identification provisions of § 1301.4, the Board shall disclose to the individual the information contained in the record which pertains to that individual. The individual may be accompanied for the purpose by a person of his or her choosing. Upon request of the individual to whom the record pertains, all information in the accounting of disclosures will be made available. If, for any unforeseen circumstances, or in an unusual situation when it may be necessary to deny a person access, the individual will be advised of the reasons therefor, and his or her right to judicial review under 5 U.S.C. 552a(f)(4).

§ 1301.6 Access to the accounting of disclosures from records.

The Privacy Act requires that with some limited exceptions individuals may request access to a list of those to whom records about them have been disclosed. Individuals seeking access to the accounting of disclosures from records pertaining to them should follow the same procedures as established above for access to the records themselves (see §§ 1301.3, 1301.4, 1301.5).

§ 1301.7 Request for correction or amendment to the record.

The individual should submit a request to the Budget and Administrative Officer of the Board which states the individual's desire to correct or to amend his or her record. This request is to be made in accord with the provisions of § 1301.4.

§ 1301.8 Agency review of request for correction or amendment of the record.

Within ten working days of the receipt of the request to correct or to amend the record, the Budget and Administrative Officer of the Board will acknowledge in writing such receipt and promptly either—

(a) Make any correction or amendment or any portion thereof

which the individual believes is not accurate, relevant, timely, or complete; or

(b) Inform the individual of his or her refusal to correct or to amend the record in accordance with the request, the reason for the refusal, and the procedures established by the Board for the individual to request a review of that refusal. Corrections or amendments will be sent to prior recipients of the record in question, to the extent that the Board has an accounting of the disclosure of the record of that information.

§ 1301.9 Appeal of an initial adverse agency determination on correction or amendment of the record.

An individual who disagrees with the refusal of the Budget and Administrative Officer of the Board to correct or to amend his or her record may submit a request for a review of such refusal to

the Executive Director of the Board for International Broadcasting, Suite 430, 1030 Fifteenth Street, NW, Washington, D.C. 20005. The Executive Director will, not later than thirty working days from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the Executive Director extends such thirty day period. If, after his or her review, the Executive Director also refuses to correct or to amend the record in accordance with the request, the individual may file with the Board a concise statement setting forth the reasons for his or her disagreement with the refusal of the Board and may seek judicial review of the Executive Director's determination under 5 U.S.C. 552a (g)(1)(A). A copy of the corrected record or statement of dispute will be provided to prior recipients of the

information in question, to the extent that the Board has an accounting of the disclosure of that information.

§ 1301.10 Disclosure of record to a person other than the individual to whom the record pertains.

The Board will not disclose a record to any individual other than to the individual to whom the record pertains without receiving the prior written consent of the individual to whom the record pertains, except as required or permitted under 5 U.S.C. 552a(b).

§ 1301.11 Fees.

If an individual requests copies of his or her record, he or she shall be charged ten cents per page for any copying charges in excess of \$25. In cases of indigency, the Board may waive such fees. In cases where copying charges exceed \$25, advance payment will be required.

CENTRAL INTELLIGENCE AGENCY

STATEMENT OF GENERAL ROUTINE USES

The following routine uses apply to, and are incorporated by reference into, each system of records maintained by the CIA:

1. In the event that a system of records maintained by the Central Intelligence Agency to carry out its functions indicates, or relates to, a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be disclosed, as a routine use, to the appropriate agency whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation, or charged with the responsibility to take appropriate administrative action, or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed, as a routine use, to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a Central Intelligence Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance or special access, or the performance of the Agency's acquisition functions.

3. A record from this system of records may be disclosed, as a routine use, to a federal, state, or local agency, or other appropriate entities, or individuals, in connection with the hiring or retention of an employee, the issuance of a security clearance or special access, the reporting or an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit, to the extent that the information is relevant and necessary to the entity's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing parties or their counsel or other representatives in the course of settlement negotiations, and disclosures made pursuant to statutes or regulations governing the conduct of such proceedings.

5. A record from this system of records may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation, as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in the Circular.

6. A record from a system of records may be disclosed, as a routine use, to NARS (GSA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

7. A record from this system of records may be disclosed, as a routine use, to a federal, state, or local agency, other appropriate entities or individuals, or, through established liaison channels, to selected foreign governments, provided such disclosure is compatible with the purpose for which the purpose for which the record was collected and is undertaken to enable the Central Intelligence Agency to carry out its responsibilities under the National Security Act of 1947, as amended, the CIA Act of 1949, as amended, Executive Order 12333 or any successor order, national security directives applicable to the Agency and classified implementing procedures approved by the Attorney General promulgated pursuant to such Orders and directives, as well as statutes, Executive orders and directives of general applicability. This routine use is not intended to supplant the other routine uses published by the Central Intelligence Agency.

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CIA-1

System name: Applications Tracking System.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Agency and contract employees, employees of contractor supporting Office of Data Processing, currently or formerly assigned to computer software development or maintenance projects in Applications.

Categories of records in the system: Documentation of hours logged on each assigned programming or overhead project.

Authority for maintenance of the system: Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Applications staff for periodic reporting to management man-hours expended to develop assigned programming projects and overhead hours. Used for tracking the usage and scheduling of all resources for developing software.

Used to substantiate hours spent by contractor personnel on billable contractual activity.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disk.

Retrievability: Name and employee number.

Safeguards: Limited to specifically designated and cleared personnel.

Retention and disposal: Records are erased when hours of activity are no longer needed by management.

System manager(s) and address:

Director, Office of Data Processing
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Agency employees, contract employees, employees of contractor supporting the Office of Data Processing.

CIA-2

System name: Office of Data Processing Training and Skills Inventory.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employees, contract employees, and employees of contractors assigned to the Office of Data Processing (ODP).

Categories of records in the system: Documentation of CIA-funded training for each individual assigned to the Office of Data Processing.

Documentation submitted by each individual assigned to ODP, indicating his self-evaluation of his programming skills.

Authority for maintenance of the system: Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Assist D/ODP in ascertaining what additional training personnel should receive.

Assist D/ODP in the management of personnel assignments to new programming tasks.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disk.

Retrievability: By name.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access.

Retention and disposal: Records are purged as employees separate from ODP via periodic updates.

System manager(s) and address:

Director, Office of Data Processing
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning

access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Agency personnel and employees of contractors.

CIA-3

System name: Computer Access File.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Agency employees having special access to Office of Data Processing computer systems.

Agency cleared contractors who have been granted access to Office of Data Processing computer systems.

Categories of records in the system: Individual's name, office, user identification code, badge number and computer systems to which the individual has access.

Authority for maintenance of the system: Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Office of Data Processing Security Officers, computer system and data base managers, and Automated Data Processing Control Officers use the system to:

Determine computer system(s), if any, to which an individual at CIA has access.

Control access to computer systems through automated computer system verifications of individual's authorization for access to computer which he/she is attempting to use.

Determine the name, office, room number and badge number associated with the user identification code of an individual suspected of a possible violation of computer systems security procedures.

Identify individuals listed in audit trail records as having accessed a particular computer system or computer-based system of records. Produce mailing lists of ODP computer users.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disk packs with "back-up" records on tapes and controlled hard copy computer listings used for reference. Applications and approval for access are maintained in paper files.

Retrievability: Name and user identification code.

Safeguards: Access to these records is limited to cleared persons whose official duties require such access. Personnel screening and computer system security protective mechanisms are employed to prevent unauthorized disclosure. Hard copy computer listings and paper files are maintained in combination lock safes or vaulted areas.

Retention and disposal: Records of individuals who no longer have access to Office of Data Processing systems are deleted from computer-based system of records.

As changes are made and new master computer listings are generated, the paper listings are destroyed by burning and the records on magnetic media are degaussed. There is no retention of these records.

System manager(s) and address:

Director, Office of Data Processing
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employees.

Contractor employees.

CIA-4

System name: Private Attorney Panel.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Attorneys in private practice.

Categories of records in the system: Name, address, date and place of birth, education, law firm (if any), State(s) admitted to Bar, and date and type of clearance.

Authority for maintenance of the system: Central Intelligence Agency Act of 1949, as Amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide a list of private attorneys for use on CIA classified projects.

To provide a referral list for those employees whose employment with CIA must be protected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Records are stored in a combination lock safe and access is only by personnel in the Office of General Counsel.

Retention and disposal: Records on cleared but never used attorneys are destroyed 1 year after clearance is cancelled. Records of cleared and used attorneys are destroyed when deceased or when services are no longer of interest whichever is earlier. Destruction is by pulping.

System manager(s) and address:

General Counsel
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Attorneys, CIA employees and former employees.

Martindale-Hubbell Law Directory.

CIA—5

System name: Legal Subject Records.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Agency employees, defectors, individual plaintiffs in litigation cases, individuals asserting claims against CIA, contractors and consultants, authors, journalists and other individuals who become involved in legal relationships or matters with CIA.

Categories of records in the system: Correspondence, affidavits, briefs and other legal documents, reports of investigation, Government forms, cables and internal CIA memoranda.

Authority for maintenance of the system: Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide factual information for legal opinions.

To provide factual information for litigation reports prepared for the Department of Justice.

To provide factual information for dealing with Agency contractors and consultants.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil,

criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Records are stored in combination lock safes and access is only by personnel in the Office of General Counsel.

Retention and disposal: Permanent retention.

System manager(s) and address:

General Counsel
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individuals identified in Categories of individuals covered by the system above, Federal agencies and other CIA records systems.

CIA—6

System name: Career Trainee Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Applicants and employees selected for Career Training Program.

Categories of records in the system: Name, biographic data, test results of applicant being considered for Career Training Program. Employee name, biographic data, test results, training evaluations, correspondence, trainee progress reports and supervisor reports on trainees during their interim assignments, and memoranda for the record.

Authority for maintenance of the system: National Security Act of 1947, as amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency officials to determine an individual's selection for the Career Training Program.

Used by Agency officials for monitoring training activity after selection.

Used by Agency officials for job placement after completion of training program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microforms.

Retrievability: By name.

Safeguards: Stored in combination lock safe; access is limited to Career Trainee Program Officers, and Personnel Officers.

Retention and disposal: Files are retained for duration of the employee's participation in the Career Training Program, then transferred to the Office of Personnel. Official transcripts are filed in the official personnel folders; remaining material is incorporated into individual's supplemental personnel (soft) file. Unsuccessful applicant records are returned to the Office of Personnel.

System manager(s) and address:

Director, Office of Training
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: The sources of information in these files are: Program Officers, educational institutions, and the individual.

CIA-7

System name: Off-Campus Instructor Applicant Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Agency employees who are applicants for part-time instructor positions in the Agency Off-Campus Program sponsored by University of Virginia.

Categories of records in the system: Applicant forms for teaching in the Off-Campus Program.

Correspondence with University of Virginia including application approvals and rejections and documents concerning contract administration.

Authority for maintenance of the system: National Security Act of 1947, as amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C.3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency officials to administer Instructor Program for Off-Campus college courses provided to employees.

Recommendations to University of Virginia for employing instructors.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name and discipline.

Safeguards: Stored in combination lock safes. Access by CIA officials on need-to-know basis.

Retention and disposal: Records are destroyed by pulping 3 years after termination of Agency employment.

System manager(s) and address:

Director, Office of Training
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employee, educational institutions, student evaluation of the instructor and the University of Virginia.

CIA-8

System name: Agency Training Record.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Agency employees and other Federal employees who have completed Office of Training courses, Agency-sponsored external training, and other Agency component-conducted training programs.

Categories of records in the system: A machine run which lists the individual's transcript of Agency-sponsored training.

Authority for maintenance of the system: Title 5, USC, Chapter 41. Central Intelligence Act of 1949, as amended—Pub. L. 81-110. Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used by Agency officials for processing employee requests for Agency-sponsored training.

Used by Agency officials to evaluate training requirements in connection with a proposed assignment.

Agency Career Management and Training Officers use this record as a management tool in counseling employees concerning their career development.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Machine listing on COM.

Retrievability: By name.

Safeguards: Stored in combination lock safes. Access is restricted to Training Officers, Personnel Officers, Supervisors and the TSS/OTR Staff.

Retention and disposal: Superseded COM reels are destroyed by burning upon receipt of updated reels.

System manager(s) and address:

Director, Office of Training
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Transcripts from educational institutions, certificates of successful completion from the training facility and training reports from the individual.

CIA-9

System name: Language Learning Center Student Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employees enrolled in the Language Learning Center.

Categories of records in the system: Biographic data, test scores, training reports from instructors, training requests from sponsoring office and attendance reports.

Authority for maintenance of the system: Title 5, U.S.C. Chapter 41.

Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C.3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency officials to monitor student performance. Transcript is entered in the Agency Training Record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Records stored in secure areas. Access on a need-to-know basis.

Retention and disposal: Retained for duration of student enrollment. Files are cut off at completion of training; all but final report is destroyed 90 days after cut off; final report is destroyed 5 years after cut off. Records are destroyed by pulping.

System manager(s) and address:

Director, Office of Training
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employees and instructors.

CIA-10

System name: Language Qualifications Register and OTRTEST.

System location: Central Intelligence Agency, Washington, D.C. 20505.

Categories of individuals covered by the system: Employees who claim a foreign language proficiency and applicants to the Agency who have taken one of the Agency's foreign language reading proficiency tests.

Categories of records in the system: Employee claim of foreign language proficiency and identifying biographic data. Social Security number of employee or applicant (in OTRTEST subset only), language tested, and answers to each test question.

Authority for maintenance of the system: Title 5, U.S.C., Chapter 41.

Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency personnel for processing requests for foreign language training and for language proficiency cash awards. Tangential use to norm and validate reading proficiency and to verify reading test scores.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, magnetic tape, and magnetic disk.

Retrievability: Name and language. Within OTRTEST subset only, Social Security number, language, and date of test.

Safeguards: Maintained in combination lock safes, magnetic tapes, and on password controlled disks. Access on a need to know basis.

Retention and disposal: Record updated semiannually. Outdated paper record is destroyed by reducing to pulp. Magnetic tapes are degaussed. OTRTEST subset updated weekly. Magnetic disk record is permanent.

System manager(s) and address: Director of Training and Education, Central Intelligence Agency, Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employees and within the OTRTEST subset, only, employee and applicant's Social Security number.

CIA-11

System name: Modern Language Aptitude Test Scores (MLAT).

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Selected applicants and employees who have taken the Modern Language Aptitude Test.

Categories of records in the system: Name, biographic data and test scores.

Authority for maintenance of the system: Title 5, U.S.C. Chapter 41.

Central Intelligence Agency Act of 1949, as Amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Language Learning Center personnel to evaluate student potential for learning a foreign language.

Used by Personnel Officers in deciding appointment and job placement.

Aptitude test scores are provided to Foreign Service Institute when employee is enrolled in their language program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Stored in combination lock safes; access on a need-to-know basis.

Retention and disposal: Destroyed upon termination of Agency employment. Unsuccessful applicant records are destroyed after 12 months. Destruction of records is by pulping.

System manager(s) and address:

Director, Office of Training
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individual.

CIA-12

System name: External Training Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employees sponsored full-time external training programs.

Categories of records in the system: Employee biographic data, correspondence with public and private educational institutions, transcript and grades, training requests and administrative documents related to enrollment, employees evaluation of training course and employee Training Obligation Agreement.

Authority for maintenance of the system: Title 5, USC, Chapter 41. Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency officials to determine employee's eligibility for Agency sponsored training.

Used by Agency officials to enroll employees in private and public educational institutions.

Used by Agency officials to evaluate courses for future enrollment of employees.

Data for Agency Training Record.

Notification of funds advanced and accountings are proved to the Office of Finance.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and punch cards.

Retrievability: Name and employee number.

Safeguards: Stored in combination lock safe; access on need-to-know basis.

Retention and disposal: Destroyed 1 year after employee completes all course commitments. Destruction by pulping.

System manager(s) and address:

Director, Office of Training
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: The sources of information are from the individual, his sponsoring office, and the external training facility.

CIA-13

System name: Guest Speakers.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Individuals under consideration for guest speaker engagements in CIA training courses. Individuals include members of the academic journalistic and business world as well as present and former senior Agency and other Government officials.

Categories of records in the system: Name, biographic data including academic credentials, published materials, correspondence and administrative records.

Authority for maintenance of the system: Section 506(a), Federal Records Act of 1950, (44 U.S.C.3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Assist Training Officers in curriculum development and selection of speakers for scheduled training courses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name and area of expertise.

Safeguards: Files are stored in a combination lock safe. Use of material is restricted to Training Officers involved in course development.

Retention and disposal: Records are destroyed by pulping when Agency no longer has interest in speaker.

System manager(s) and address:

Director, Office of Training
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individual, Agency officials, academic and private institutions, Federal agencies.

CIA-14

System name: Equal Employment Opportunity Complainant Records.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current or former contract, staff or detailed military personnel of the Agency as well as applicants for employment.

Categories of records in the system: Data collected by an EEO Investigator which bears on the charges of discrimination brought by the complainant. File contains sworn affidavits from the complainant, the alleged discriminating officer(s), and other individuals directly involved, as well as other documents, records, or other statistical evidence considered pertinent to the case or which assists the Agency in making its decision.

Authority for maintenance of the system: Equal Employment Opportunity Act of 1972, Pub. L. 92-261.

Executive Orders 11478 and 5 CFR 713.222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide information in the adjudication of complaints.

To provide information for review by the Civil Service Commission.

To provide information for Federal court review.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By complainant name.

Safeguards: Filed in combination lock safes; limited access by staff only.

Retention and disposal: Cases resolved within Agency are destroyed by pulping after resolution of case.

System manager(s) and address:

Director, Equal Employment Opportunity
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning

access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Information obtained from the complainant, the alleged discriminating official, and other individuals as well as documents, records, and statistics gathered in the investigation.

CIA-15

System name: Employee Grievance Folders.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employee. Grievance generally filed by IG Case Number assigned by Office of Inspector General.

Categories of records in the system: Data from employees coming to Inspector General with grievances are nature of grievance, circumstance that caused grievance and how settled.

Authority for maintenance of the system: Executive Order 10987, By Regulation.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by members of the Office of the Inspector General to investigate grievance to its conclusion.

To refer or provide information in response to or by direction of a court order, or where there is an indication of a violation or potential violation of law whether civil, criminal, or regulatory in nature, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing a statute or law, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By case number.

Safeguards: Materials are stored in combination lock safe; access limited to OIG staff members.

Retention and disposal: Closed cases involving litigation or those establishing precedence of policy are permanent. Closed routine cases are transferred to Records Center for 10 years and returned for review by custodian for cases selected for further retention and inclusion with other permanent cases. Those no longer needed are destroyed by pulping. Index cards assume disposition of case files. File system logs for assigning case numbers are permanent.

System manager(s) and address:

Inspector General
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules. Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Information obtained from complainant and other employees when grievances are investigated.

CIA-16

System name: Parking Permit Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Records include name, vehicle license number, office designation, location, and extension.

Authority for maintenance of the system: Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Federal Property Management Regulation D-47 (GSA).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency employees responsible for allocation and control of parking spaces at the Headquarters Building.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name, vehicle license number, assigned parking space number and assigned reference number.

Safeguards: Stored in safes, vaults or secure area. Access limited to staff employees.

Retention and disposal: Records marked void upon updating of information or upon cancellation of parking permit. Files destroyed upon overall reallocation of parking permits done periodically (approximately once a year).

System manager(s) and address:

Director, Office of Logistics
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employees.

CIA-17

System name: Vehicle Operators File.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Name, medical qualification forms, score sheets for driver's test, registers of permits issued and records regarding accidents. Accident report records include police data and investigation reports in addition to information on vehicle involved.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as Amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency employees for issuing official U.S. Government driver's licenses and renewals.

For review by CIA officials in accident cases.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to any agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Individual name or driver's permit number.

Safeguards: Physically protected in a secure area. Access is limited to employees who have the need-to-know.

Retention and disposal: Destroyed by burning three years after license is no longer valid. Accident reports are destroyed six years after case is closed.

System manager(s) and address:

Director, Office of Logistics
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individual.

Agency officials.

Federal, State and local law enforcement agencies in cases when employee is involved in an auto accident.

CIA-18

System name: Personal Property Claim Records.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employees and former employees.

Categories of records in the system: Claimant name, address, nature and loss or damage to personal effects, including inventory of items.

Authority for maintenance of the system: National Security Act of 1947, as amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Claims Review Board determines amount of financial loss sustained by claimant.

Reimbursement for property loss.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Information is stored in safes or secure areas. Access is limited to staff employees working on such cases.

Retention and disposal: Records are destroyed by burning two years after final action on case.

System manager(s) and address:

Director, Office of Logistics
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individual concerned and various Agency staff elements involved in processing and adjudication of claims.

CIA-19

System name: Equipment and Supplies Accountability Records.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Name, signature, office location, telephone extension and item of government equipment on loan or charged to the employee.

Authority for maintenance of the system: National Security Act of 1947, as amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency officials who control and account for government nonexpendable items.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Physically protected in secure areas. Only employees charged with the responsibility of controlling government property have access.

Retention and disposal: Signature card is returned to individual charged upon return of item. Record is destroyed by burning after inventory adjustment to property records.

System manager(s) and address:

Director, Office of Logistics
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individual concerned and appropriate accountable property officers.

CIA-20

System name: Logistics Security Clearance Records.

System location: Central Intelligence Agency, Washington, D.C. 20505.

Categories of individuals covered by the system: Commercial contractors and vendors, persons in the private sector associated with the Agency, and individuals in other government agencies contacted for liaison purposes.

Categories of records in the system: Biographic data including name, address, position, Social Security Account Number, and security clearance held.

Authority for maintenance of the system: National Security Act of 1947, as amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by staff employees in conducting Agency business with the commercial sector and liaison with other government agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, magnetic disk.

Retrievability: By individual or company name, and Social Security Account Number.

Safeguards: Paper product is stored in vaulted area or in combination lock safes. Access is on a need-to-know basis and coded password identifier.

Retention and disposal: Records destroyed by degaussing or pulping upon expiration of clearance. Clearances may be revalidated three years after initial approval.

System manager(s) and address: Director, Office of Logistics, Central Intelligence Agency, Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Information obtained from individual concerned and certification of clearance from Office of Security.

CIA-21

System name: Privacy and Freedom of Information Acts Requesters.

System location: Central Intelligence Agency, Washington, D.C. 20505.

Categories of individuals covered by the system: Individuals who make requests to CIA under provisions of the Privacy Act, the Freedom of Information Act, and Executive Order 11652.

Categories of records in the system: Files contain all correspondence and other documents related to the receipt, processing, and final disposition of requests received by the Agency for information under the Privacy Act, the Freedom of Information Act, and Executive Order 11652.

Authority for maintenance of the system: Privacy Act of 1974—Pub. L. 93-579, Freedom of Information Act of 1974, as amended, and Executive Order 11652.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by staff employees for reference purposes in formulating responses to Privacy Act, Freedom of Information Act, and Executive Order 11652 requests, and for reference in processing cases under appeal and litigation; to provide documentation for referral to other Federal agencies for their review pursuant to Executive Order 11652, and the Third Agency Rule; and, as a source of information for compiling reports required by the Acts.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, electronic index and log.

Retrievability: By name, case number.

Safeguards: Paper files are stored in combination lock safes; automatic data processing index and log files need coded identifier for activation. Access on need to know basis.

Retention and disposal: From the date of last entry, Freedom of Information Act requests are destroyed after two years, and Privacy Act requests are destroyed after five years. Records are destroyed by burning.

System manager(s) and address: Chief, Information and Privacy Division, Central Intelligence Agency, Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification Section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Requests received pursuant to the Privacy Act, the Freedom of Information Act and Executive Order 11652.

CIA-23

System name: Polygraph Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Applicants for employment, employees, and certain individuals considered for assignment to the Agency.

Categories of records in the system: Polygraph report, charts, and notes.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as Amended—Pub. L. 81-110.

Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the Office of Security to make determinations of security eligibility for employment pursuant to Executive Order 10450.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and tape cassettes.

Retrievability: By name.

Safeguards: Files are maintained in a vault; access is permitted only while in the custody of polygraph staff members.

Retention and disposal: Indefinite. Records are destroyed by burning when they become inactive.

System manager(s) and address:

Director, Office of Security
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: The source of all information obtained is from the polygraph interviews.

Systems exempted from certain provisions of the act: Pursuant to authority granted in Section (j) of the Act (5 U.S.C. 552a(j)), the Director of Central Intelligence has determined to exempt polygraph records from all sections of the Act except 552a (b), (c)(1) and (2), (e)(1), (e)(4) (A) through (F), (e)(5), (6), (7), (9), (10), and (11), and (i). These records are exempted to prevent access, accountability, and judicial review of records which intimately reveal an Agency security method.

CIA-24

System name: Supplemental Personnel (Soft) Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current or former staff or contract employees and detailed military personnel.

Categories of records in the system: Memoranda of discussions, working copies of personnel and contract actions including procedural checklists, performance appraisals, travel and shipping orders. Information concerning conduct, training, special qualifications or restrictions, dependency and residence, emergency notifications, biographic data, Letters of Instruction. Also, cables and dispatches of administrative and operational significance, and photographs.

Authority for maintenance of the system: National Security Act of 1947, as amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as a supplement to the official personnel folders by authorized operating officials to facilitate and expedite processing or procedural requirements and transactions of employees.

Serves as a management tool for administrative and operating officials for purposes of employee assignment, promotion, and career development considerations and determinations.

To refer or provide information in response to or by direction of a court order, or where there is an indication of a violation or potential violation of law whether civil, criminal, or regulatory in nature, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing a statute or law, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, and magnetic disc.

Retrievability: By name, office and end date of assignment.

Safeguards: Files are maintained in vaulted areas or approved metal filing cabinets; file release is on a controlled-loan basis to authorized officials. Access to information on magnetic disc is on limited need-to-know basis using controlled password identifier.

Retention and disposal: Upon intra-Agency transfer, transfer file to gaining component personnel office. Upon separation from Agency, transfer material for inclusion in Official Personnel Folder to Office of Personnel; maintain remaining file 6 months and destroy. Destruction is by pulping for paper. Magnetic discs are erased upon completion of reassignment.

System manager(s) and address:

Chief, DDI Administrative Staff
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employee.

Career Service Panel.
Agency officials.

CIA—25

System name: Supplemental Personnel (Soft) Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current or former staff or contract employees and detailed military personnel.

Categories of records in the system: Memoranda of discussions, working copies of personnel and contract actions including procedural checklists, performance appraisals, travel and shipping orders. Information concerning conduct, training, special qualifications or restrictions, dependency and residence, emergency notifications, biographic data, Letters of Instruction. Also, cables and dispatches of administrative and operational significance, and photographs.

Authority for maintenance of the system: National Security Act of 1947, as amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as a supplement to the official personnel folders by authorized operating officials to facilitate and expedite processing or procedural requirements and transactions of employees.

Serves as a management tool for administrative and operating officials for purposes of employee assignment, promotion, and career development considerations and determinations.

To refer or provide information in response to or by direction of a court order, or where there is an indication of a violation or potential violation of law whether civil, criminal, or regulatory in nature, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing a statute or law, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and magnetic media.

Retrievability: By name.

Safeguards: Files are maintained in vaulted areas or approved metal filing cabinets; file release is on a controlled-loan basis to authorized officials.

Retention and disposal: Retained one year after separation from the Agency when material of soft file is reviewed to determine and destroy any duplicate records which are contained in the official personnel folder, and ensure filing of material in operational files, as appropriate.

System manager(s) and address:

Chief, Personnel Officer, DDS&T
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employee.

Career Service Panel.
Agency officials.

CIA—26

System name: Supplemental Personnel (Soft) Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current or former staff or contract employees and detailed military personnel.

Categories of records in the system: Memoranda of discussions, working copies of personnel and contract actions including procedural checklists, performance appraisals, travel and shipping orders. Information concerning conduct, training, special qualifications or restrictions, dependency and residence, emergency notifications, biographic data, Letters of Instruction. Also, cables and dispatches of administrative and operational significance, and photographs.

Authority for maintenance of the system: National Security Act of 1947, as amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as a supplement to the official personnel folders by authorized operating officials to facilitate and expedite processing or procedural requirements and transactions of employees.

Serves as a management tool for administrative and operating officials for purposes of employee assignment, promotion, and career development considerations and determinations.

To refer or provide information in response to or by direction of a court order, or where there is an indication of a violation or potential violation of law whether civil, criminal, or regulatory in nature, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing a statute or law, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and magnetic media.

Retrievability: By name.

Safeguards: Files are maintained in vaulted areas or approved metal filing cabinets; file release is on a controlled-loan basis to authorized officials.

Retention and disposal: Retained one year after separation from the Agency when material of soft file is reviewed to determine and destroy any duplicate records which are contained in the official personnel folder, and ensure filing of material in operational files, as appropriate.

System manager(s) and address:

Career Management Officer/DDA
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employee.

Career Service Panel.
Agency officials.

CIA—27

System name: Supplemental Personnel (Soft) Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current or former staff or contract employees and detailed military personnel.

Categories of records in the system: Memoranda of discussions, working copies of personnel and contract actions including procedural checklists, performance appraisals, travel and shipping orders. Information concerning conduct, training, special qualifications or restrictions, dependency and residence, emergency notifications, biographic data, Letters of Instruction. Also, cables and dispatches of administrative and operational significance, and photographs.

Authority for maintenance of the system: National Security Act of 1947, as amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as a supplement to

the official personnel folders by authorized operating officials to facilitate and expedite processing or procedural requirements and transactions of employees.

Serves as a management tool for administrative and operating officials for purposes of employee assignment, promotion, and career development considerations and determinations.

To refer or provide information in response to or by direction of a court order, or where there is an indication of a violation or potential violation of law whether civil, criminal, or regulatory in nature, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing a statute or law, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Files are maintained in vaulted areas or approved metal filing cabinets; file release is on a controlled-loan basis to authorized officials.

Retention and disposal: Upon intra-Agency transfer, transfer file to gaining component personnel office. Upon separation from the Agency, maintain in Division for 2 years then transfer material for inclusion in Official Personnel Folder to Office of Personnel; hold remaining file 6 months and destroy. Destruction is by pulping.

System manager(s) and address:

Chief, Career Management Staff, DDO.
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification Section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employee.

Career Service Panel.
Agency officials.

CIA—28

System name: Supplemental Personnel (Soft) Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current or former staff or contract employees and detailed military personnel.

Categories of records in the system: Memoranda of discussions, working copies of personnel and contract actions including procedural checklists, performance appraisals, travel and shipping orders. Information concerning conduct, training, special qualifications or restrictions, dependency and residence, emergency notifications, biographic data, Letters of Instruction. Also, cables and dispatches of administrative and operational significance, and photographs.

Authority for maintenance of the system: National Security Act of 1947, as amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as a supplement to the official personnel folders by authorized operating officials to facilitate and expedite processing or procedural requirements and transactions of employees.

Serves as a management tool for administrative and operating officials for purposes of employee assignment, promotion, and career development considerations and determinations.

To refer or provide information in response to or by direction of a court order, or where there is an indication of a violation or potential violation of law whether civil, criminal, or regulatory in nature, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing a statute or law, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Files are maintained in vaulted areas or approved metal filing cabinets; file release is on a controlled-loan basis to authorized officials.

Retention and disposal: After intra-Agency transfer, resignation, or retirement, screen folder immediately transferring items that should be filed in the Official Personnel file, operational items to appropriate operating files, and process the remaining material as follows: Intra-Agency transfer—forward file to gaining office; retirement from Agency—hold retirement cases 18 months and destroy; and, resignation from Agency—hold resignation cases 1 year and destroy.

System manager(s) and address:

Administrative Officer, Office of the DCI
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employee.

Career Service Panel.
Agency officials.

CIA—29

System name: Manpower Control System.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current and former Agency personnel and military or civilian personnel on detail to the Agency.

Contract employees since January 1969.

Applicants in process for employment for whom clearance has been requested.

Recipients of Agency awards.

Participants, and beneficiaries designated by deceased employees who were participants, in the Agency's retirement system and Voluntary Investment Plan.

Categories of records in the system: Data on employment history, fitness reports, qualifications and skills, insurance and medical benefits, retirement status, Voluntary Investment Plan accounts, emergency designees, home and work addresses Agency awards, military reserve data, cases in process for employment, ceilings, position and staffing patterns.

Authority for maintenance of the system: National Security Act of 1947, as amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).
Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended—Pub. L. 88-643.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide statistical reports for CIA management on strength, distribution and utilization of manpower, average grades and salaries, minorities, projected retirements, profiles of Agency skills and qualifications, comparative

rates on promotions, separations, new employees, reasons for separations.

To provide rosters and statistics for heads of Career Services to assist them in administering their career development and evaluation programs, including promotion rates and headroom, fitness report ratings, qualifications, changes in their Career Services.

To provide staffing patterns, grade and salary data for office heads required for staffing and budget projections.

To provide salary, leave, benefits and entitlements for the payroll system.

To provide rosters and statistics for components within the Office of Personnel responsible for administering recruitment, hospitalization, insurance, retirement, and Volunteer Investment Programs.

To provide records of employees entering on duty and employee separations and current status tapes or rosters to Agency components of concern.

To provide statements of accounts to employees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and disk.

Retrievability: By name, employee number, organization code, social security number, or position number.

Safeguards: Tapes and disks are maintained in a special room in a vaulted area with access only by special badge. All tapes are under control of a tape librarian. Each tape has a "security" profile which the requester of the tape must match. All requests for recurring or special reports must be approved by the Chief of the Statistical Reporting Branch or his authorized designee. Data is released only as related to personnel under the requester's direct supervision and control or to individuals responsible for administering a particular Agency program. On-line query to the system is limited to personnel responsible for the maintenance, update, and preparation of input data to the system and to employees in the Statistical Reporting Branch by controlled password.

Retention and disposal: Permanent retention of subsystems currently in operation. When system is fully operational, a record schedule, including disposal, will be implemented.

System manager(s) and address:

Director, Office of Personnel
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Applicants, employees and parent Federal agency of detailee.

CIA—30

System name: Applicant Files.

System location: Central Intelligence Agency, Washington, D.C. 20505.

Categories of individuals covered by the system: Persons who apply for employment with CIA.

Categories of records in the system: Personal, medical and employment history statements, educational transcripts, personal references, interview reports, test results, correspondence, photographs, review comments, and processing records.

Authority for maintenance of the system: Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3301).
National Security Act of 1947, As amended—Pub. L. 90-253.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to review applicant's qualifications for CIA position; for security background investigation;

and for medical screening for determination by authorized Agency official to offer employment.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Approved containers or area when not in use—controlled loans to authorized officials.

Retention and disposal: Applications rejected in the initial review because they do not meet requirements for Agency employment will be returned to the applicant without creating any record. Applications which appear to meet requirements for Agency employment, but which are subsequently rejected, are retained for two years and then destroyed by burning or pulping. Files on applicants who may be of interest at a later date are retained indefinitely.

System manager(s) and address: Director, Office of Personnel, Central Intelligence Agency, Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to: Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Applicant. Educational institutions. Physicians. Letters of Reference. Agency officials. Federal agencies.

CIA-31

System name: Current Employees and Former Employees (official Personnel files and records related thereto).

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current or former staff or contract employees and detailed military and civilian personnel, and current and former members of Advisory Groups.

Categories of records in the system: Personal and employment history statements, personnel actions, fitness reports, commendations, biographic profile, retirement status, training, emergency/casualty cases, awards, travel arrangements, medical and insurance claims, correspondence, qualification registers, photographs, and information relating to the suitability and fitness of the individual, complaints and grievances, external employment assistance, Voluntary Investment Plans, financial and educational assistance, recreation programs, exit processing, United Givers and Savings Bond, blood donors.

Authority for maintenance of the system: National Security Act of 1947, as amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended—Pub. L. 83-643.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To administer personnel assignments, performance evaluations, promotions, adverse actions, counseling, retirement determinations of qualifications, separations, medical or insurance claims, statistical reports, and otherwise make decisions on the rights, benefits or entitlements, and utilizations of individuals.

To prepare transcripts in response to a request from another government agency relative to employment considerations by that agency. Employment and credit verifications. To update the Agency Qualifications Record System. To refer or provide information in response to or by direction of court order or where there is an

indication of a violation or potential violation of law whether civil, criminal, or regulatory in nature to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation, or order issued pursuant thereto.

To provide a data source for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; or to locate specific individuals for personnel research or other personnel management functions.

To respond to inquiries from attorneys and insurance companies relative to litigation of an accident claim.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: By name.

Safeguards: Files are maintained in vaulted areas or approved metal filing cabinets; file release is on a controlled-loan basis to authorized officials.

Retention and disposal: Agency portion of the official file is destroyed by burning 75 years after birth of employee or 60 years after date of earliest document.

System manager(s) and address:

Director, Office of Personnel
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Other government agencies.

Educational institutions.

Employee.

Agency officials.

CIA-32

System name: Consultant and Independent Contractor Records.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Consultants and independent contractors who are generally self-employed and who are engaged under contract to provide technical, management and scientific advice and services to the Agency.

Categories of records in the system: Performance evaluations, administrative documents on compensation and benefit commitments, termination agreements and correspondence, biographic data, appointment or contract data.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as Amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To administer contractual provisions—benefits, compensation, transportation, termination; per-

formance evaluation, references, and to otherwise make decisions on the rights, benefits or entitlements and utilizations of the individual.

As a source for managerial statistical and analytical studies, and other related personnel management functions or manpower studies.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: By name.

Safeguards: Files are maintained in vaulted areas or approved metal filing cabinets; file release is on a controlled-loan basis to authorized officials, maintained during active employment and retained after separation in accordance with established record disposal schedules.

Retention and disposal: Records are destroyed by pulping 75 years after birth of individual or 60 years after date of earliest document.

System manager(s) and address:

Director, Office of Personnel
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification Section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individual.

Agency officials.

References as indicated by the individual.

CIA-33

System name: Prospective Contributors for the Collection of Foreign Intelligence.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Individuals who voluntarily indicate a willingness to contribute to Foreign Intelligence.

Categories of records in the system: Psychological assessment data.

Authority for maintenance of the system: National Security Act of 1947, as amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Agency officials use the psychological assessment data to assist them in reaching a decision concerning an affiliation with the Agency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper form; converted to microfilm after two years.

Retrievability: By name.

Safeguards: Files are stored in security approved containers. Access is on a need-to-know basis.

Retention and disposal: Files are maintained for two years then microfilmed. Files are destroyed by burning after microfilming.

System manager(s) and address:

Director, Office of Technical Service
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification Section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individuals and Agency officials.

CIA-34

System name: Clinical and Psychiatric Files (Employees).

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: CIA employees and their dependents; military and Federal civilian employees to CIA detailees and their dependents; and retired or separated employees and their dependents.

Categories of records in the system: Contains all physical examinations, laboratory data, X-rays, private physician reports, reports of on-the-job injuries and illnesses; results of psychiatric screening and testing; reports of psychiatric interviews; records of immunizations, and related medical material.

Authority for maintenance of the system: National Security Act of 1947, as amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Title 5, U.S.C., Section 7901.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: By Agency personnel for evaluation of suitability for assignment, fitness-for-duty, health maintenance and in reviewing applications for medical disability retirement.

By the Civil Service Commission in the case of an employee under that system who applied for medical disability.

By the Office of Workers' Compensation Programs, Department of Labor, in the case of an employee who applies for its compensation.

To provide information to Federal agencies for employees who are being assigned or detailed to those agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in paper form filed in an identifying jacket. Certain information—medical history, laboratory and assignment data—are contained on magnetic tape and punch cards. Printouts from the automated data processing are filed in the subject's medical file.

Retrievability: Access is by a file identification number which is, in turn, cross referenced to a name.

Safeguards: Files are stored in vaulted main file room. During periods when files are undergoing active processing they are secured in locked safes. Unauthorized entry into the vaulted file room is controlled via an alarm system. Access to computer information is controlled by limiting the number of medical personnel approved for such access by an identifying password. Access to the main vault file room, locked safes and the Agency Records Center is controlled by limiting the number of personnel authorized such access.

Retention and disposal: Files are retained until such time as the employee retires or separates from the Agency—at which time, they are retired to the Agency Records Center. To meet statutory requirements, they are then retained for a period of 75 years from date of birth. Destruction of records will be accomplished through burning. Magnetic tapes are degaussed.

System manager(s) and address:

Director, Office of Medical Services
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: The individual supplies his/her medical history and additional information is developed through routine medical processing.

Reports from private physicians and/or medical facilities when permission is granted by the individual concerned.

CIA-35

System name: Clinical and Psychiatric Files (Applicants).

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Applicants for Agency Employment.

Categories of records in the system: Contains all physical examinations, laboratory data, X-rays, private physician reports, reports of previous on-the-job injuries and illnesses, results of psychiatric screening and testing, reports of psychiatric interviews, records of immunizations, and related medical material.

Authority for maintenance of the system: National Security Act of 1947, as amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101). Title 5, U.S.C., Section 7901.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Office of Medical Services to evaluate the medical suitability of applicants for employment.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and X-ray film.

Retrievability: By name.

Safeguards: Files are stored in vaulted main file room. During periods when files are undergoing active processing they are secured in locked safes. Unauthorized entry into the vaulted file room is controlled by an alarm system. Access to computer information is controlled by limiting the number of medical personnel approved for such access by an identifying password. Access to the main vault file room, locked safes and the Agency Record Center is controlled by limiting the number of personnel authorized such access.

Retention and disposal: Successful applicant files are converted to employee files. Files are retained until such time as the employee retires or separates from the Agency—at which time, they are then retired to the Agency Record Center. To meet statutory requirements, they are then retained for a period of 75 years from date of birth. Destruction of records is accomplished through burning. Applicant files not processed are retained for a period of two years; records are then destroyed by burning.

System manager(s) and address:

Director, Office of Medical Services
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification Section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: The individual supplies his/her medical history and additional information is developed through routine medical processing. Reports from private physicians and/or medical facilities when written permission is granted by the individual concerned.

CIA-36

System name: Medical Facilities and Physicians.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Lists of medical facilities and names of physicians in the Metropolitan Washington area.

Categories of records in the system: Name, business address, and phone numbers of physicians and medical facilities.

Authority for maintenance of the system: National Security Act of 1947, as amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101). Title 5, U.S.C., Section 7901.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide information to employees upon request for external medical referral.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name, facility, and medical specialty.

Safeguards: Maintained in locked file cabinets. Access on a need-to-know basis.

Retention and disposal: Lists are continuously maintained. When updated, old lists are destroyed by burning.

System manager(s) and address:

Director, Office of Medical Services
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules. Request from individuals should be addressed as indicated in the Notification Section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Agency physicians and contract medical personnel.

CIA-37

System name: Psychological Test Data Files.

System location: Central Intelligence Agency, Washington, D.C. 20505.

Categories of individuals covered by the system: Applicants, CIA employees and dependents, detailees and dependents, retired or separated employees and dependents.

Categories of records in the system: Results of psychological testing and assessment reports.

Authority for maintenance of the system: National Security Act of 1947, as amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In the case of employees, dependents and detailees, to determine the individual's skills and aptitudes and suitability for a particular assignment or training as distinct from his general suitability for employment (Psychiatric screening).

Data developed to validate new tests and techniques as part of ongoing research efforts.

To prepare reports which summarize test results and to assist Agency officials in selection of candidates for employment and career management planning for employees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, microfilm, magnetic tape and punch cards.

Retrievability: By name.

Safeguards: Medical files are stored in vaulted main file room. During periods when files are undergoing active processing they are secured in locked safes. Access to computer information is controlled by limiting the number of medical personnel approved for such access by an identifying password. Access to the main vault file room, locked safes and the Agency Records Center is controlled by limiting the number of personnel authorized such access.

Safeguards: Files on employees, dependents and detailees are retained in Headquarters until retirement or separation at which time they are retired to the Agency Records Center, where they are retained 30 years and then destroyed by the Records Center by burning. Successful applicants' files are treated the same as employees. Unsuccessful applicant files are retained for a period of three years and then destroyed by burning or pulping.

System manager(s) and address: Director, Office of Medical Services, Central Intelligence Agency, Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to: Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notifications section above.

The central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: The individual through the completion of a variety of psychological tests and interview sessions with Agency medical officers.

CIA-38

System name: Congressional Liaison Records.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Matters of liaison with Congressional Offices are filed in the name of the member of the Office involved.

Categories of records in the system: Liaison record.

Correspondence file.

Newspaper and publication clippings.

Authority for maintenance of the system: Section 506(a), Federal Records Act 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Handle requests from members and Committees.

Coordinate Agency position on proposed legislation.

Prepare Agency position papers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and magnetic media.

Retrievability: By the name of the Member of Congress.

Safeguards: All records are stored in a combination lock safe; access is restricted only to OLC personnel.

Retention and disposal: Records for which OLC is office of record are permanent. Non-record or temporary items are cut off annually, transferred to Records Center, recalled after 5 years and screened for

selected files which are incorporated into permanent records. Residual material is destroyed by pulping.

System manager(s) and address:

Legislative Counsel
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification Section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Agency officials.

Offices of Members of Congress, Congressional committees and other Government agencies.

CIA-39

System name: Publicity.

System location: Central Intelligence Agency, Washington, D.C. 20505.

Categories of individuals covered by the system: Authors of articles, CIA employees, and other individuals mentioned in newspaper articles about CIA.

Categories of records in the system: Newspaper articles.

By-lined articles mentioning CIA. Articles mentioning CIA. Correspondence between media personalities and the Office of Public Affairs.

Authority for maintenance of the system: Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency officials researching articles on the CIA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Files are stored in a vaulted room; access upon request on a need-to-know basis.

Retention and disposal: Permanent.

System manager(s) and address: Office of Public Affairs, Central Intelligence Agency, Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification Section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or corrections of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Newspaper articles and correspondence.

CIA-40

System name: CIA Authors File.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: CIA employees (current and past) who have published commercially.

Categories of records in the system: Name of author and title and source of publication.

Authority for maintenance of the system: National Security Act of 1947, as amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for author display exhibit in CIA Library.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual card file.

Retrievability: By name of author.

Safeguards: Located in limited access building.

Retention and disposal: Records destroyed when obsolete or no longer needed by pulping.

System manager(s) and address:

Director, Office of Central Reference
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individual authors.

CIA-41

System name: Intelligence in Public Literature File.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Individuals who have written on the general topic of intelligence and have been reviewed in the public media; individuals identified as being involved in intelligence activities.

Categories of records in the system: Media articles on personalities and events relating to subject of intelligence.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as Amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to provide Agency and other USIB components a ready-reference file on open literature relating to intelligence.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders and archives boxes of media articles.

Retrievability: By name of author or general topics.

Safeguards: File is open to any Agency or Intelligence Community employee on an official task; requests for access to classified portions are screened on the basis of official "need-to-know."

Retention and disposal: Articles and topics are discarded when no longer used.

System manager(s) and address:

Director, Office of Central Reference
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification Section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Foreign and domestic news media; intelligence reports.

CIA-43

System name: Briefing Program File.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Those individuals, both foreign and U.S., who have visited CIA for official briefings under the CIA Briefing Program.

Categories of records in the system: Names, dates of visits, and parent organizations of visitors.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as Amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in planning briefing programs.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 x 5 index cards.

Retrievability: By name.

Safeguards: Kept in secure area; only authorized officials have access to the file.

Retention and disposal: Destroy 5 years after cut-off. Cut off at end of each calendar year. Screen. Destroy duplicate copies and house-keeping records. Maintain remainder in current file area for 5 years and destroy. Destruction by pulping.

System manager(s) and address:

DDI Executive Officer
and Assessments Staff
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification Section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Official correspondence from parent organizations of individuals to be briefed.

CIA-44

System name: Foreign Map Sources Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Selected U.S. and foreign individuals and firms having a potential to provide foreign maps.

Categories of records in the system: Names, extracts from open literature, intelligence reports, records of map acquisitions.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as Amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide information in support of foreign map acquisition.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Kept in secure area; only authorized personnel have access.

Retention and disposal: Destroy data on individual source when procurement action is complete or source potential is ended. Destruction by pulping.

System manager(s) and address:

Director, Office of Geographic and
Cartographic Research
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification Section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individuals, intelligence reports, open literature.

CIA-45

System name: Soviet-U.S. Contacts File.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Prominent U.S. citizens, such as members of Congress and high-ranking government officials, who have met prominent Soviets at meetings reported in the press.

Categories of records in the system: Names and titles of individuals, dates and places of meetings, subjects discussed as reported in the Soviet and U.S. press.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as Amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to prepare briefing material for U.S. officials who plan to visit the USSR or hold discussions with Soviets in the United States.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer tapes and paper.

Retrievability: Name of Soviet or U.S. participants, date, general subject, and locations of meetings.

Safeguards: Requests for information are screened for appropriateness. Files are stored in combination locked safes.

Retention and disposal: File started in 1974 and still considered experimental; continuation will depend upon utility; no file destruction to date.

System manager(s) and address:

Director, Office of Central Reference

Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13).

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Soviet and U.S. press.

CIA-46

System name: Academic Relations File.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Scholars with whom the DDI maintains contact for the purpose of exchanging research and analyses.

Categories of records in the system: Names and addresses.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as Amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference for correspondence; mailing of unclassified Agency publications.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 5 x 8 index cards.

Retrievability: By name.

Safeguards: Kept in secure area; only authorized officials have access.

Retention and disposal: Reviewed every 2 years and records are destroyed on individuals no longer associated with the program. Destruction is by pulping.

System manager(s) and address:

Coordinator for Academic Relations
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification Section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Correspondence and personal contact.

CIA-47

System name: Professors and Placement Officers of Selected Colleges.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Those key individuals in selected colleges who may be able to assist the Office of Economic Research in its professional recruiting effort for economics analysts.

Categories of records in the system: Names and parent organizations.

Authority for maintenance of the system: Central Intelligence Agency Act of 1949, as Amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in Office of Economic Research recruiting program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: List.

Retrievability: By name.

Safeguards: Kept in secured area; only authorized officials have access.

Retention and disposal: Review annually and destroy records on individuals no longer associated with the activity. Destruction is by pulping.

System manager(s) and address:

Director, Office of Economic Research
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Professional contacts established by the Office of Economic Research and Agency recruiters.

CIA-48

System name: Cryptographic Access File.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Agency staff personnel, contract employees, and contractor employees who have been authorized access to cryptographic information.

Categories of records in the system: Biographic information including name, date of birth, social security number, and Agency component or commercial employer and date of clearance of person being granted access.

Authority for maintenance of the system: Executive Order 10450. Pub. L. 81-513, dated 13 May 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control and accountability of cryptographic access clearances.

Certify to Agency officials and to other agencies and private contractors names of individuals who possess a cryptographic clearance.

Users of this information are the Office of Security and Office of Communications.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and computer.

Retrievability: By name.

Safeguards: Information on paper media is stored in combination lock safes or in a secure area; access is limited to authorized employees on a need-to-know basis. Information stored on the computer system is subject to safeguards established by the Office of Security.

Retention and disposal: Paper files are retained until the clearance is rescinded. Destruction of paper records is accomplished through burning. Computer records are revised when clearance is rescinded.

System manager(s) and address:

Director, Office of Communications
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: The source of biographic information is the Office of Security or official correspondence notifying Office of Communications of a change in the individual's status.

Employee.

CIA-49

System name: Directorate of Operations Records System.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Individuals who are of foreign intelligence or foreign counterintelligence interest to the CIA, either because of their actual, apparent, or potential association with foreign intelligence or foreign counterintelligence activities, or because they are of actual or potential use to CIA.

Categories of records in the system: Categories of records include administrative, management and policy, personality, operational, and impersonal subjects based primarily on foreign intelligence and foreign counterintelligence reports.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as Amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101). Immigration and Nationality Act, as Amended—Pub. L. 82-414.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide information within CIA and to selected Federal agencies and military departments for the conduct of foreign intelligence operations.

To provide information within CIA and to the FBI, other selected Federal agencies, and military departments for the conduct of foreign counterintelligence operations.

To conduct national Agency name checks for other agencies as required by National Security Council Directive and the Immigration and Nationality Act of 1952 in the interest of the security of the United States.

To provide information to the Immigration and Naturalization Service.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

To provide information to U.S. and, through established liaison channels, selected foreign government agencies in national security or criminal cases.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:** Paper, microforms, and magnetic media.**Retrievability:** By name.**Safeguards:** Strict controls have been imposed to minimize the risk of compromising information held. Employees are allowed access to the index and files only after undergoing special training. There are degrees of compartmentation which are designed to limit access to information on a strict "need-to-know" basis. Records are kept of each disclosure of a record to another agency as required by this act.**Retention and disposal:** Retention is based on approved records disposition schedules. Destruction is by pulping, degaussing, or burning.**System manager(s) and address:**

Chief, Information Services Staff, DDO
 Central Intelligence Agency
 Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
 Central Intelligence Agency
 Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.**Contesting record procedures:** The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.**Record source categories:** Other U.S. agencies and organizations.

Foreign sources and individuals.

Predecessor organizations.

Overt publications.

Private citizens.

State and local agencies.

CIA-50**System name:** Financial Records.**System location:**

Central Intelligence Agency
 Washington, D.C. 20505.

Categories of individuals covered by the system: Current and former Agency staff personnel, contract personnel, consultants, independent contractors, detailed military and civilian personnel, and survivors of deceased CIA retirement system annuitants.**Categories of records in the system:** Records required to administer compensation payments, payments to CIA Retirement System (CIARDS) annuitants, authorized or required payroll deductions or contributions for Federal, state and city income tax, retirement, insurance, Credit Union, etc., and leave entitlements. Personnel actions, contracts, W-4s, W-2s, withholding authorizations, banking instructions for dissemination of employees' salary checks.

Official travel orders, record of funds advanced and transportation furnished, copies of travel claims and accountings.

Records and statements concerning the status of funds advanced to individuals for official purposes.

Correspondence and copies of all financial documentation accumulated in the collection and settlement of amounts due the Agency from former employees.

Financial accounts and records concerning employees' former employees' participation in the Voluntary Investment Plan. Membership application, payroll deduction authorization, quarterly status statement, funds withdrawal requests.

Certifying officers; contracting officers; and authorizing letter and signature card.

Authority for maintenance of the system: Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as Amended—Pub. L. 88-643.

Central Intelligence Agency Act of 1949, as Amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by CIA personnel to fulfill statutory requirements with regard to the computation, pay-

ment, and recording of compensation due Agency personnel and annuities due to CIARDS annuitants and to report Federal, state, and local taxing authorities tax information as required by law; used by CIA officials to report and remit to appropriate Federal, state, and local agencies tax withholdings, individual and CIA contributions for retirement, life and health insurance programs, and other deductions as required or authorized by the individual.

Used by CIA personnel concerned with the administration, processing, audit and certification of travel and transportation accounts.

Used by CIA personnel as an administrative control to ensure that official funds advanced to individuals are properly and fully accounted for.

Used by CIA personnel to pursue and document efforts made to collect amounts due the Agency from former Agency personnel.

Used by CIA personnel in the financial administration of the Voluntary Investment Plan and to inform participants of their equity in the Plan.

Used within CIA by Agency personnel charged with responsibility for determining that the commitment and expenditure of Agency funds is authorized, approved, and certified by officials to whom such authority has been delegated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:** Paper, punch cards, microfilm, magnetic tape and disks.**Retrievability:** By name, employee number, and component of assignment.**Safeguards:** Records are located in either vaulted, limited access areas or in combination lock safes. Access to the records is strictly limited to Agency personnel who either work with the records or have an official need for the information.**Retention and disposal:** Method of disposal is by burning, degaussing or shredding, whichever is the most appropriate for the particular medium in which the record is maintained. Records are retained in accordance with established record disposal schedules.**System manager(s) and address:**

Director, Office of Finance
 Central Intelligence Agency
 Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
 Central Intelligence Agency
 Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.**Contesting record procedures:** The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.**Record source categories:** Individuals and Agency officials.**CIA-51****System name:** Security Duty Office Event Reports.**System location:**

Central Intelligence Agency
 Washington, D.C. 20505.

Categories of individuals covered by the system: Individuals who contact the Security Duty Office.**Categories of records in the system:** Name, date and subject matter of contact by individual.**Authority for maintenance of the system:** National Security Act of 1947, as Amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as Amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Brief senior Security Officers concerning contacts made by individuals and events involving the Agency and Agency facilities.**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

Storage: Paper.

Retrievability: By name.

Safeguards: Records are maintained in office which is manned on a 24-hour basis. Information is disclosed to Agency officials on a need-to-know basis.

Retention and disposal: Records are maintained only for time period when subject is of interest to the Agency. Records are destroyed by burning.

System manager(s) and address:

Director, Office of Security
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification Section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: General public, employees and Federal, state and local officials.

CIA-52

System name: Community-Wide, Computer-Assisted, Compartmentation Control System.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Federal, civilian and military personnel and representatives from private industry who possess special access clearances.

Categories of records in the system: Name, date of birth, social security number, date of background investigation, status of clearance, organization, and clearances held.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as Amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To certify throughout the Intelligence Community and related industry the individuals whose names are contained in this Special Register for purposes of controlling access to special classified materials.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cards, computer tapes and paper.

Retrievability: By name, social security number, and organization.

Safeguards: The records are stored in a secure area. Access to the storage area is restricted to those who have the proper clearances and have a need-to-know.

Retention and disposal: Records are retained and destroyed in accordance with records control schedules approved by the Archivist of the United States.

System manager(s) and address:

Director, Office of Security
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification Section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Agency personnel, and other Federal agencies, and private industry.

CIA-54

System name: Central Badge System.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Agency employees and individuals who required building access badges.

Categories of records in the system: Name, date and place of birth, social security number, photographs and fingerprints.

Authority for maintenance of the system: Central Intelligence Agency Act of 1949, as Amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

National Security Act of 1947, as Amended—Pub. L. 80-253.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the Office of Security to identify and control access to Agency facilities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, photographs and magnetic media.

Retrievability: Name and badge number.

Safeguards: Records are maintained in vault. Access is limited to individuals on need-to-know basis.

Retention and disposal: Retained for duration of employment or association with the Agency. Records are destroyed by burning two years after resignation or termination of the association.

System manager(s) and address:

Director, Office of Security
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification Section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employee records and/or the individual requesting identification badge.

CIA-56

System name: Security Analysis Records.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Any individual who comes to the attention of the Agency because of a counterintelligence interest that concerns Agency personnel or Agency security.

Categories of records in the system: Biographic information and data concerning an individual's involvement in specific intelligence and counterintelligence activities.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as Amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Inform Agency officials of potential or actual CI information involving Agency personnel or facilities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: All records are maintained in a vaulted area. Access is limited on a need-to-know basis.

Retention and disposal: Permanent retention.

System manager(s) and address:

Director, Office of Security
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification Section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employees.

U.S. Government agencies.

Foreign intelligence sources.

CIA-57

System name: Security Records.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Applicants, staff and contract employees, former employees, consultants, contractors, military detailees, individuals of security interest, persons of substantive affiliation with or service to the Agency, persons on whom the Agency has conducted an investigation, Agency employees and other individuals associated with the Agency who have completed an accident report form, and Federal, civilian and military personnel with whom the Agency conducts liaison.

Categories of records in the system: Investigation requests.

Biographic data (name, sex, D/POB, social security number, and employer and employee address at time record was created).

Authorizations for the release of high school and college transcripts and copies of those transcripts.

Investigative reports.

Appraisal summaries reflecting the rationale for granting or refusing a security clearance.

Documentation of the final action taken by the Office of Security concerning any given investigation.

Secrecy agreements.

Documentation concerning the granting or refusing of special clearances; levels of clearances held; approvals for personnel reassignments; notations that polygraph or other special interviews were performed; memoranda concerning security violations; notices of termination of affiliation with the Agency.

Report of accidents and investigative reports.

Authority for maintenance of the system: National Security Act of 1947, as amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as Amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Executive Order 10450.

Executive Order 11807.

Section 19(a), Occupational Safety and Health Act of 1970—Pub. L. 91-596.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used to ascertain whether there is any existing information concerning a

person who is of immediate interest to the CIA. The system is routinely used when:

A person applies for CIA employment;

a person is a candidate or associated with a candidate for some project or assignment;

a question arises as to whether a certain individual has been security approved, or considered for security approval by the CIA;

there is a need to obtain the security file of an individual who is known (or assumed) to be the subject of a file; and

CIA receives a request for investigative information from another Federal agency.

Records from this system are also used to prepare briefings on Agency accident experience; to determine accident causes and recommend remedial action; and to prepare quarterly and annual statistical reports for the Department of Labor.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, microfilm, computer disks and magnetic tapes.

Retrievability: By name.

Safeguards: Records are safeguarded by combination lock security containers, or are stored within a vaulted area. Access is restricted to individuals who are certified on an "Access List." The Access List is validated each month and published so that responsible officials can insure that records are accessed only for official purposes.

Retention and disposal: Files which contain Agency-developed investigative reports on an individual are retained a maximum of 30 years, then destroyed by burning or pulping. Liaison contact files are kept for three years and then destroyed by burning or pulping, except where there is a documented request to continue the liaison.

System manager(s) and address:

Director, Office of Security
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Current and former employees, consultants, contractors, contract employees, military detailees, applicants for employment, persons of substantive affiliation with or service to the Agency, Federal, state and local agencies, educational institutions, employers, personal and business references provided by the individual under investigation and acquaintances of the individual.

CIA-58

System name: Inspector General Research Records.

System location: Central Intelligence Agency

Washington, D.C. 20505.

Categories of individuals covered by the system: Agency personnel and other individuals whose names appear in documents assembled primarily from other Agency records systems by the Inspector General in relation to an Executive commission and Legislative committee reviews of Agency activities conducted between 1972 and 1976.

Categories of records in the system: CIA documents that are pertinent to an Executive commission and Legislative committee reviews of Agency activities.

Authority for maintenance of the system: Central Intelligence Act of 1949, as amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used by Agency officials for reference use in connection with Executive and Legislative reviews of Agency activities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Name or subject.

Safeguards: Information is stored in safes. Access is limited to Agency personnel.

Retention and disposal: Permanent.

System manager(s) and address:

Inspector General
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Requests from individuals should be addressed as indicated in the Notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual record, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Agency employees.

CIA-59

System name: Unsolicited Correspondence from the General Public Addressed to the Director or Deputy Director of Central Intelligence.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Members of the General public who have written to the Director or Deputy Director of Central Intelligence.

Categories of records in the system: Correspondence from the general public and Agency letters of response.

Authority for maintenance of the system: Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used by the Executive Secretary, Office of the Director, to insure that correspondence is acknowledged. Certain correspondence is forwarded to other Government agencies for appropriate action.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Records are in a vaulted area; access is controlled by the Executive Secretary.

Retention and disposal: Subject file of substantive correspondence requiring action beyond acknowledgment reply is permanent. Routine correspondence and acknowledgments are reviewed at 2 year intervals and destroyed by pulping when no longer needed, or destroyed 5 years after original contact if no interest activated within 5 years, or incorporated into Subject file if interest is activated and case warrants. Employment applications: originals referred to Office of Personnel; duplicates so noted and files cut off annually and destroyed by pulping when 2 years old.

System manager(s) and address:

Executive Secretary
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains their correspondence should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Requests from individuals should be addressed as indicated in the Notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

CIA-60

System name: Personal and Professional Associates of the Director of Central Intelligence.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Personal and professional associates of the Director of Central Intelligence.

Categories of records in the system: Home and business addresses; home and business phone numbers; category of association with the DCI (e.g. personal/professional).

Authority for maintenance of the system: Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110. Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used by administrative personnel, Office of the Director, to insure that information pertaining to the Director's associates is maintained in a current manner.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy computer print-out and magnetic disc pack.

Retrievability: By name, city, or type of association.

Safeguards: Hard copy computer print-out stored in a vaulted area; access is controlled by the Director's immediate office staff. Automatic data processing disc pack requires coded identifier for activation. Access on a need-to-know basis.

Retention and disposal: The hard copy computer print-out is stored in the Office of the Director and becomes a part of the Director's personal correspondence/files. This hard copy is replaced as changes occur and the preceding copy destroyed by burning. Magnetic disc pack is corrected as changes occur and when no longer of use it is erased.

System manager(s) and address:

Executive Assistant to the Director
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains their name and address should direct inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Requests from individuals should be addressed as directed in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Selected public by category of relationship with the DCI.

CIA-61

System name: Supplemental Personnel (Soft) Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current and former staff or contract employees and detailed personnel.

Categories of records in the system: Memoranda of discussions, working copies of personnel and contract actions including procedural checklists, performance appraisals, travel and shipping orders. Information concerning conduct, training, special qualifications or restrictions, dependency and residence, emergency notifications, biographic data, Letters of Instruction. Also, cables and dispatches of administrative and operations significance, and photographs.

Authority for maintenance of the system: National Security Act of 1947, as amended—Pub. L. 80-253. Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110. Section 506(a) Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used as a supplement to the official personnel folders by authorized operating officials to facilitate and expedite processing or procedural requirements and transactions of employees.

Serves as a management tool for administrative and operating officials for purposes of employee assignment, promotion, and career development considerations and determinations.

To refer or provide information in response to or by direction of a court order, or where there is an indication of a violation or potential violation of law whether civil, criminal, or regulatory in nature, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing a statute or law, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Files are maintained in vaulted areas or approved metal filing cabinets; file release is on a controlled-loan basis to authorized officials.

Retention and disposal: After transfer, resignation or retirement, screen folder immediately transferring items that should be filed in the Official Personnel file, operational items to appropriate operating files, and process the remaining material as follows: Transfer—Forward file to gaining office; retirement—hold retirement cases 18 months and destroy; and, resignations—hold resignation cases 1 year and destroy.

System manager(s) and address:

Chief, Support Staff
Intelligence Community Staff
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules, published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification Section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employee, Career Service Panel, IC officials.

CIA-62

System name: Office of Data Processing Security Clearance Records.

System location: Central Intelligence Agency, Washington, D.C. 20505.

Categories of individuals covered by the system: Commercial contractors and vendors, persons in the private sector associated with the Agency, and individuals in other government agencies contacted for liaison purposes.

Categories of records in the system: Biographic data (name, date and place of birth, Social Security Account Number), company name and security clearances held.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as Amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Staff employees in conducting Agency business with the commercial sector and liaison with other government agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc. Paper product is stored in combination lock safes or vaulted areas.

Retrievability: By individual or company name, and Social Security Account Number.

Safeguards: Access is limited to staff employees having a need-to-know and a coded password identifier.

Retention and disposal: Records destroyed by degaussing or pulping upon expiration of clearance. Clearances may be revalidated three years after initial approval.

System manager(s) and address: Director, Office of Data Processing, Central Intelligence Agency, Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification Section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Information obtained from individual concerned and certification of clearance from Office of Security.

CIA-63

System name: Security Access Records.

System location: Central Intelligence Agency, Washington, D.C. 20505.

Categories of individuals covered by the system: Agency employees and other badged individuals accessing Agency buildings.

Categories of records in the system: Badge number, building/entrance, year, Julian day, hour, entry or exit code.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as Amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 USC 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For routine administrative, managerial and security purposes in order to: a. Determine the frequency of access to Agency buildings of certain badged individuals to facilitate administration of badge reissuance criteria; b. Provide selected Agency managers with statistical data on building access patterns for resource planning purposes; c. Ascertain whether a given badged individual has accessed a specific Agency building entrance, including the date and time of such access.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and magnetic media.

Retrievability: Badge number, Julian date, time (hours/minutes), building/entrance, and entry or exit code.

Safeguards: Records are maintained in a vault or combination lock safes. Access by Agency employees having a need-to-know and a coded password identifier.

Retention and disposal: Records on individuals are retained for a maximum of six years after date of access. Records are destroyed by degaussing, pulping or burning.

System manager(s) and address: Director of Security Central Intelligence Agency, Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification Section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents

thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Agency's magnetically encoded badge system, after-hours building log and "Visitor-No-Escort" badge record cards.

CIA-64

System name: Inquiries from Private Individuals about CIA and its Mission.

System location: Central Intelligence Agency, Washington, D.C. 20505.

Categories of individuals covered by the system: Members of the general public who have written to CIA on matters of interest to the Office of Public Affairs.

Categories of records in the system: Correspondence from the general public and the Agency's letter of response.

Authority for maintenance of the system: Section 506(a), Federal Records Act of 1950 (44 USC 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To ensure responsiveness to legitimate public concerns about the mission and function of CIA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Files are stored in vaulted room or in combination lock safes; access is on a need-to-know basis.

Retention and disposal: Destroyed by pulping after two years.

System manager(s) and address: Office of Public Affairs, Central Intelligence Agency, Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification Section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or corrections of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Correspondence from the general public for the Office of Public Affairs.

CIA-65

System name: Contact with the News Media and Index.

System location: Central Intelligence Agency, Washington, D.C. 20505.

Categories of individuals covered by the system: Media representatives.

Categories of records in the system: Written record of telephonic discussions with members of the press, radio, television or other news media. Includes daily memoranda to Director Central Intelligence—"Contacts with the Press." Cards 5 X 8 contain name and date of telephone call and index the written record of discussion.

Authority for maintenance of the system: Section 506(a), Federal Records Act of 1950 (44 USC 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency officials to record the interests of journalists and to account for Agency information provided to them.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Files stored in a vaulted room or combination lock safes; access upon request on a need-to-know basis.

Retention and disposal: Permanent.

System manager(s) and address: Office of Public Affairs, Central Intelligence Agency, Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Requests from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or corrections of records, are promulgated in CIA rules section of the Federal Register.

Record source categories: Telephone inquiries from news media representatives and response.

CIA-66

System name: Manuscript Review.

System location: Central Intelligence Agency, Washington, D.C. 20505.

Categories of individuals covered by the system: Present and former employees.

Categories of records in the system: Manuscripts submitted for review.

Authority for maintenance of the system: Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Review manuscripts of proposed publications or speeches authored or given by present or former employees to prevent unauthorized disclosure of classified information.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper

Retrievability: By name.

Safeguards: Files are stored in a vaulted room or combination lock safes; access is on a need-to-know basis.

Retention and disposal: Permanent.

System manager(s) and address: Offices of Public Affairs, Central Intelligence Agency, Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification Section above.

Contesting record procedures: The Central Intelligence Agency's requirements for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or corrections of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Present and former employees.

CIA-67

System name:

Publishing and Speaking Engagement Clearances.

System location: Central Intelligence Agency, Washington, D.C. 20505.

Categories of individuals covered by the system: Present and former employees.

Categories of records in the system: Clearances for speeches and published works proposed for or in the public domain.

Authority for maintenance of the system: Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency officials to review and provide clearance for external speaking and publishing activities and to be aware of information released into the public domain.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Files are stored in a vaulted room or combination lock safes; access is on a need-to-know basis.

Retention and disposal: Destroyed by pulping after three years.

System manager(s) and address: Office of Public Affairs, Central Intelligence Agency, Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification Section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or corrections of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Current and former CIA employees.

CIA-68

System name: CIA Personnel in Contact with Press.

System location: Central Intelligence Agency, Washington, D.C. 20505.

Categories of individuals covered by the system: Present and former CIA employees.

Categories of records in the system: Card index of CIA employees who have reported a media contact.

Authority for maintenance of the system: Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To maintain a record of employee press contacts.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Files are stored in a vaulted room; access upon request on a need-to-know basis.

Retention and disposal: Permanent.

System manager(s) and address: Office of Public Affairs, Central Intelligence Agency, Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct inquiries to:

Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individual must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the Notification Section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or corrections of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Present and former employees.

CIA-69

System name:

Language Use Assessment.

System location:

Central Intelligence Agency, Washington, DC 20505.

Categories of individuals covered by the system:

Agency employees who have used their language abroad.

Categories of records in the system:

Name, Social Security number, biographical date, and date relating to use of foreign language(s) abroad.

Authority for maintenance of the system:

Title 5, U.S.C. Chapter 41. Central Intelligence Act of 1949, as amended—Pub. L. 81-110. Sec. 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by Office of Training and Education Language School personnel for research on a variety of matters relating to language learning and testing. Data generated will be stored in a computer system in the Agency and will be used solely for research purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Agency computer system.

Retrievability:

By Social Security number.

Safeguards:

Stored in locked computer files; access by password on a strict need-to-know basis.

Retention and disposal:

Maintained indefinitely in computer files for ongoing research needs.

System manager(s) and address:

Director of Training and Education, Central Intelligence Agency, Washington, DC 20505.

Notification procedure:

Individuals seeking to learn if this system of records contains information about them should direct their inquiries to: Information and Privacy Coordinator, Central Intelligence Agency, Washington, DC 20505.

Identification requirements are specified in the CIA rules published in the Code of Federal Regulations (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures:

Requests from individuals should be addressed as indicated in the Notification Section above.

Contesting record procedures:

The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Code of Federal Regulations (32 CFR Part 1901).

CIA-70

System name:

Intelligence Community Staff Information Records System.

System location:

Intelligence Community Staff, Washington, DC 20505.

Categories of individuals covered by the system:

Individuals who have an employment, detailee, liaison, or contractual relationship with the Intelligence Community Staff or with Intelligence Community agencies, and individuals who are of foreign intelligence or counterintelligence interest to the Intelligence Community, including individuals identified as being involved in activities related to intelligence matters such as the possible compromise of classified information or activities otherwise implicating intelligence sources and methods as well as other information protected by statute or Executive order.

Categories of records in the system:

Records include administrative information; intelligence requirements, analysis, and reporting; Intelligence Community operational records; bibliographic information about individuals of intelligence interest; articles, public-source data, and other published information on individuals and events of interest to the Intelligence Community; actual or purported compromises of classified intelligence; countermeasures in connection therewith; identification of classified source documents and distribution thereof; investigative data related to compromises of classified intelligence.

Authority for maintenance of the system:

National Security Act of 1947, as amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Executive Order 12333.

Executive Order 12356.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).
Intelligence Authorization Act for Fiscal Year 1987—Pub. L. 99-569.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To provide classified and unclassified information within the Central Intelligence Agency and to appropriate Intelligence Community and U.S. Government officials for the conduct of authorized activities.

To inform and provide information to U.S. Government officials regarding compromises of classified information including the document(s) apparently compromised, implications of disclosure upon intelligence sources and methods, investigative data on compromises, and statistical and substantive analysis of the data.

A record from this system of records may be disclosed as a "routine use" in order to facilitate any security, employment, detail, liaison, or contractual decision by the Intelligence Community Staff or any U.S. Government organization. Records may further be disclosed in response to or by direction of a court order, or where there is an indication of a violation or potential violation of law, whether civil, criminal, or administrative in nature, to the appropriate Federal, state, or local agency charged with the responsibility of prosecuting such violation or charged with implementing or enforcing a statute or law, regulation, or order issued pursuant thereto. Records also may be disclosed to other agencies if necessary for the protection of intelligence sources and methods and in support of intelligence analysis and reporting. Additionally, records from this system are used to prepare periodic statistical reports for U.S. Government officials related to the control and dissemination of classified information.

The statement of general routine uses applicable to and incorporated by reference into systems of records maintained by the Central Intelligence Agency are incorporated into this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper and magnetic media attached to automated information systems operated by agencies of the Intelligence Community.

Retrievability:

By category of information contained therein, including by name.

Safeguards:

All records are maintained in safes or vaulted areas. Access is limited on a need-to-know basis.

Retention and disposal:

Records destroyed when obsolete or no longer needed. Destruction by pulping, burning, or erasure or destruction of magnetic media.

System manager(s) and address:

Director, Intelligence Community Staff, Central Intelligence Agency, Washington, DC 20505.

Notification procedure:

Individuals seeking to learn if this system of records contains information about them should direct their inquiries to the Information and Privacy Coordinator, Central Intelligence Agency, Washington, DC 20505.

Identification requirements are specified in the Central Intelligence Agency rules published in the Code of Federal Regulations (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures:

Request from individuals should be addressed as indicated in the Notification Procedure section above.

Contesting record procedures:

The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by the Central Intelligence Agency concerning access to or correction of the records, are promulgated in the Central Intelligence Agency rules section of the Code of Federal Regulations.

Record source categories:

Individuals themselves; other U.S. agencies and organizations; media, including periodicals, newspapers, and broadcast transcripts; public and classified reporting, intelligence source documents, investigative reports, correspondence.

CIA-71

System name:

National Intelligence Council (NIC) Records System.

System location:

Central Intelligence Agency, Washington, D.C. 20505

Categories of individuals covered by the system:

Individuals who have an employment, detailee, liaison, contractual or operational relationship with the Central Intelligence Agency or with Intelligence Community agencies, and individuals who are of foreign intelligence, counterintelligence or security interest to the CIA or Intelligence Community, including individuals identified as being involved in activities related to intelligence matters such as the possible compromise of classified information or activities otherwise implicating intelligence sources and methods and other information protected by statute or Executive order.

Categories of records in the system:

Records include administrative information; intelligence requirements, analysis, and reporting; National Intelligence Council operational records; bibliographic information about individuals of intelligence or security interest; articles, public-source data, and other published information on individuals and events of interest to the CIA; actual or purported compromises of classified information; countermeasures in connection therewith; investigative data related to compromises of classified information; other policy and operational data based primarily on foreign intelligence, counterintelligence, and security reporting.

Authority for maintenance of the system:

National Security Act of 1947, as amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as amended—Pub. L. 81-110.

Executive Order 12333.

Executive Order 12356.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. section 3101).

Intelligence Authorization Act for Fiscal Year 1988—Pub. L. 100-178.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To provide classified and unclassified information within the Central Intelligence Agency and to appropriate Intelligence Community and U.S. Government officials for the conduct of authorized activities.

To inform and provide information to U.S. Government officials regarding compromises of classified information including the document(s) apparently compromised, implications of disclosure upon intelligence sources and methods, investigative data on compromises, and statistical and substantive analysis of the data.

A record from this system of records could be disclosed as a "routine use" in order to facilitate any security, employment, detail, liaison, or contractual decision by the CIA or any U.S. Government organization. Records further could be disclosed in response to or by direction of a court order, or where there is an indication of a violation or potential violation of law, whether civil, criminal, or administrative in nature, to the appropriate Federal, state, or local agency charged with the responsibility of prosecuting such violation or charged with implementing or enforcing a statute or law, regulation, or order issued pursuant thereto. Records also could be disclosed to other agencies if necessary for the protection of intelligence sources and methods and in support of intelligence analysis and reporting. Additionally, records from this system could be used to prepare periodic substantive reports for U.S. Government officials related to the control and dissemination of classified information.

The statement of general routine uses applicable to and incorporated by reference into systems of records maintained by the Central Intelligence Agency are incorporated into this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper and magnetic media integral to automated information systems operated by the National Intelligence Council

Retrievability:

By category of information contained therein, including by name.

Safeguards:

Files are maintained in accordance with Executive Order 12356 and Information Security Oversight Office Directive Number 1.

Retention and disposal:

Files are destroyed in accordance with Chapters 29 and 33 of Title 44 United States Code and Information Security Oversight Office Directive Number 1.

System manager(s) and address:

Chairman, National Intelligence Council, Central Intelligence Agency, Washington, D.C. 20505.

Notification procedure:

Individuals seeking to learn if this system of records contains information about them should direct their inquiries to the Information and Privacy Coordinator, Central Intelligence Agency, Washington, DC 20505.

Identification requirements are specified in the Central Intelligence Agency rules published in the Code of Federal Regulations (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures:

Request from individuals should be addressed as indicated in the Notification Procedure section above.

Contesting record procedures:

The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by the Central Intelligence Agency concerning access to or correction of the records, are promulgated in the Central Intelligence Agency rules section of the Code of Federal Regulations.

Record source categories:

Individuals themselves; other U.S. agencies and organizations; public media, including books, periodicals, newspapers, and broadcast transcripts; unclassified and classified official reporting, intelligence source documents, investigative reports, and correspondence.

Title 32-National Defense

Subtitle B-Other Regulations to National Defense

Chapter XIX-Central Intelligence Agency

PART 1901—RULES AND REGULATIONS TO IMPLEMENT THE PRIVACY ACT OF 1974

Sec.

- 1901.1 Purpose and scope.
- 1901.3 Definitions.
- 1901.11 Procedures for requests pertaining to individual records in a record system.
- 1901.13 Requirements for identification of individuals making requests.
- 1901.15 Disclosure of requested information to individuals.
- 1901.17 Appeal of determination to deny access to requested record.
- 1901.19 Special procedures for disclosure of medical and psychological records.
- 1901.21 Request for correction or amendment to record.
- 1901.23 Appeal of initial adverse agency determination on correction or amendment.
- 1901.31 Disclosure of record to person other than the individual to whom it pertains.
- 1901.41 Fees.
- 1901.51 Penalties.
- 1901.61 General exemptions.
- 1901.71 Specific exemptions.

Authority: 5 U.S.C. 552a; 5 U.S.C. 553.

Source: 40 FR 45322, Oct. 1, 1975, unless otherwise noted.

§ 1901.1 Purpose and scope.

(a) This regulation is published pursuant to the Privacy Act of 1974 (5 U.S.C. 552a). This regulation establishes procedures by which an individual may request notification of whether the Central Intelligence Agency maintains a record pertaining to him in any non-exempt portion of a system of records or any non-exempt system of records, request a copy of such record, request that the record be amended, appeal any initial adverse determination of any request to deny access to or amend a record and submit additional data to augment or correct such record. The regulation further specifies those systems of records or portions of systems of records the Director has determined to exempt from the procedures established by this regulation and from certain provisions of the Act.

(b) The purpose of the general exemption, in the instance of polygraph records, is to prevent access and review of records which intimately reveal a CIA security method. The purpose of the general exemption from the provisions of subsections (c)(3) and (e)(3) (A-D) is to avoid disclosures that may adversely affect ongoing operational relationships

with other intelligence and related organizations and thus reveal or jeopardize intelligence sources and methods or risk exposure of intelligence sources and methods in the processing of covert employment applications.

(c) The purpose of the general exemption from subsections (d), (e) (4) (G), (f) (1) and (g) of the Act is to protect only those portions of systems of records which if revealed would risk exposure of intelligence sources and methods or hamper the ability of the CIA to effectively use information received from other agencies or foreign services.

(d) It should be noted that by subjecting information which would consist of, reveal or pertain to intelligence sources and methods to separate determinations by the Director of Central Intelligence under § 1901.61 (c) and (d) regarding access and notice, an intent is established to apply the exemption from access and notice only in those cases where notice in itself would constitute a revelation of intelligence sources and methods. In all cases where only access to information would reveal such source or method, notice will be given upon request.

(e) The purpose of the specific exemptions provided for under section (k) of the Act is to exempt only those portions of systems of records which would consist of, pertain to or reveal that information which is enumerated in the above noted section (k).

(f) In each case, the Director of Central Intelligence has determined that the enumerated classes of information should be exempt in order to comply with directives in Executive Order 11652 dealing with the proper classification of national defense or foreign policy information; protect the privacy of other persons who supplied information under an implied or express grant of confidentiality in the case of law enforcement or employment and security suitability investigations or promotion material in the case of the armed services; protect information used in connection with assisting in protective services under 18 U.S.C. 3056; protecting the efficacy of testing materials; and protect information which would constitute information required by statute to be maintained and used solely as statistical records.

§ 1901.3 Definitions.

For the purposes of this part:

(a) "Agency" means each authority of the United States Government as defined in 5 U.S.C. 552(e).

(b) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence who

is a living being and to whom a record might pertain.

(c) "Maintain" means maintain, collect, use, or disseminate.

(d) "Record" means an item, collection or grouping of information about an individual that is maintained by the Central Intelligence Agency.

(e) "System of Records" means a group of any records under the control of the Central Intelligence Agency from which records are retrieved by the name of the individual or by some identifying number, symbol or other identifying particular assigned to the individual.

(f) "Routine use" means (with respect to the disclosure of a record) the use of such record for a purpose which is compatible with the purpose for which the record is maintained.

§ 1901.11 Procedures for requests pertaining to individual records in a record system.

(a) An individual seeking notification of whether a system of records contains a record pertaining to him or an individual seeking access to information or records pertaining to him which is available under the Act shall address his request in writing to the Privacy Act Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

(b) In addition to meeting the identification requirements set forth in § 1901.13 individuals seeking notification or access shall, to the best of their ability, describe the nature of the record sought and the system in which it is thought to be included, as described in the Notices of Records Systems which is published in the August 28, 1975 issue of the **Federal Register**.

§ 1901.13 Requirements for identification of individuals making requests.

(a) An individual seeking access to or notification of the existence of records about himself shall provide in the letter of request his full name, address, date and place of birth together with a notarized statement swearing to or affirming his identity. If it is determined by the Privacy Act Coordinator that this information does not sufficiently identify the individual, the Privacy Act Coordinator may request additional identification from the individual or clarification of information submitted by the individual.

(b) In the case of an individual who is an alien lawfully admitted for permanent residence, said individual shall provide, in addition to the information required under paragraph (a) of this section, his or her Alien Registration number.

(c) The parent or guardian of a minor or a person judicially determined to be incompetent shall, in addition to establishing the identity of the minor or person represented as required in paragraph (a) or (b) of this section, establish evidence of such parentage or guardianship by providing a copy of the minor's birth certificate or the court order establishing such guardianship.

§ 1901.15 Disclosure of requested information to individuals.

(a) The Privacy Act Coordinator shall within ten days (excluding Saturdays, Sundays and legal holidays) send the requester written acknowledgment pursuant to § 1901.11 of receipt of the request.

(b) Responses to requests made pursuant to § 1901.11 will be made promptly by the Privacy Act Coordinator.

(c) The Privacy Act Coordinator upon receipt of a request made pursuant to § 1901.11 shall refer the request to the responsible components.

(d) The responsible components shall:

(1) Determine whether a record exists; and

(2) Determine whether access may be available under the Act.

(e) The responsible components shall inform the Privacy Act Coordinator of any determination made pursuant to paragraph (d) (1) or (2) of this section. The Privacy Act Coordinator shall, in turn, notify the individual of the determination and shall provide copies of records determined to be accessible if copies have been requested. In the event that information pertaining to the individual in a CIA record system was received from another Federal agency, the individual will be so notified and that information shall be referred to the originating agency.

(f) If a determination has been made not to give access to requested records the Privacy Act Coordinator shall inform the individual of the reason therefor and the right of appeal of this determination by the responsible components under § 1901.17.

(g) This section shall not be construed to allow access to information determined to be exempt under determinations made pursuant to 5 U.S.C. 552a (j) and (k).

[40 FR 45322, Oct. 1, 1975, as amended at 41 FR 19105, May 10, 1976]

§ 1901.17 Appeal of determination to deny access to requested record.

(a) Any individual whose request made pursuant to § 1901.11 is refused may appeal by submitting a written statement setting forth the basis for the appeal to the Privacy Act Coordinator.

Persons who require procedural guidance in preparing an appeal to the Agency's initial refusal to provide records may write for assistance to the Privacy Act Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

(b) The Privacy Act Coordinator, upon receipt of the appeal letter, shall promptly refer the appeal to the Deputy Directors of the responsible components and shall inform the Deputy Directors of the date of receipt of the appeal and shall request the Deputy Directors make a determination on the appeal within thirty days (excluding Saturdays, Sundays or legal holidays).

(c) The Deputy Directors of the responsible components, or senior officers designated by them, shall review the initial decision to deny access to the requested records and shall inform the Privacy Act Coordinator of the review determination. The Privacy Act Coordinator shall, in turn, notify the individual of the result of the determination. If the determination reverses the initial denial, the Privacy Act Coordinator shall provide copies of the records requested. If the determination upholds the initial denial the Privacy Act Coordinator shall inform the individual of his right to judicial review as provided for by this Part.

[40 FR 45322, Oct. 1, 1975, as amended at 41 FR 19105, May 10, 1976]

§ 1901.19 Special procedures for disclosure of medical and psychological records.

(a) When a request for copies of medical records is made by an individual and when the Privacy Act Coordinator determines that such medical and psychological records are not exempt from disclosure, the Privacy Act Coordinator, after consultation with Director of Medical Services, may determine (1) which medical or psychological records may be sent directly to the requestor and (2) which medical or psychological records should not be sent directly to the requestor because of possible harm to the individual. In the case of paragraph (a)(2) of this section, the Privacy Act Coordinator shall so notify the requestor.

(b) When a determination has been made not to make medical or psychological records noted in paragraph (a) of this section available to the individual the Privacy Act Coordinator shall inform the individual that the medical or psychological record will be made available to a physician of the individual's choice if the individual specifically requests. Upon receipt of such request and after proper

verification of the identity of the physician, the Privacy Act Coordinator shall send such records to the named physician.

§ 1901.21 Request for correction or amendment of record.

(a) An individual may request amendment or correction of a record pertaining to him by addressing such request by mail to the Privacy Act Coordinator, Central Intelligence Agency, Washington, D.C. 20505. The request shall identify the particular record the individual wishes to amend or correct, the nature of the correction or amendment sought, and a justification for such correction or amendment.

(b) Within ten days of receipt of the request by the Privacy Act Coordinator (excluding Saturdays, Sundays and legal holidays) the Privacy Act Coordinator shall acknowledge receipt of the request.

(c) The Privacy Act Coordinator shall refer such requests to the components responsible for the record upon receipt of such request, shall advise the responsible components of the date of receipt and shall request that the responsible components make an initial determination on such request within thirty days of receipt (excluding Saturdays, Sundays and legal holidays).

(d) The responsible components shall:

(1) Make any correction or amendment to any portion of the record which the individual believes is not accurate, relevant, timely, or complete, and inform all other identified persons or agencies to whom the record has been amended and inform the Privacy Act Coordinator of this action; and the Privacy Act Coordinator shall, in turn, promptly inform the requestor; or

(2) Determine that the requested correction or amendment will not be made and shall so inform the Privacy Act Coordinator who, in turn, shall promptly inform the individual, setting out the reasons for the refusal and advising the individual of the right of appeal to Deputy Directors of the responsible components under § 1901.23.

[40 FR 45322, Oct. 1, 1975, as amended at 41 FR 19105, May 10, 1976]

§ 1901.23 Appeal of initial adverse agency determination on correction or amendment.

(a) Any individual whose request made pursuant to § 1901.21 is refused may appeal such refusal.

(b) Appeals shall be sent in writing to the Privacy Act Coordinator and shall identify the particular record which is the subject of the appeal and shall state the basis for the appeal.

(c) The Privacy Act Coordinator, upon receipt of the appeal letter, shall promptly refer the appeal to the Deputy Directors of the responsible components and shall inform the Deputy Directors of the date of receipt of the appeal and shall direct that the Deputy Directors make a determination on the appeal within thirty days (excluding Saturdays, Sundays or legal holidays).

(d) The Deputy Directors of the responsible components, or senior officers designated by them, shall determine whether or not to amend the record and shall inform the Privacy Act Coordinator of the determination. The Privacy Act Coordinator shall, in turn, notify the individual of the result of the determination, and inform the individual of his right to submit a statement pursuant to paragraph (e) of this section or to judicial review as provided for in this Part.

(e) If, on appeal, the refusal to amend or correct the record is upheld, the individual may file a concise statement setting forth the reasons for his disagreement with the determination. This statement shall be sent to the Privacy Act Coordinator, Central Intelligence Agency, Washington, D.C. 20505, within thirty days of notification of refusal to correct or amend the record. The System Manager shall clearly note any portion of the record which is disputed, and provide copies of the statement and, if the System Manager deems it appropriate, copies of a concise statement of reasons for not making the requested amendments to all other identified persons or agencies to whom the disputed record has been disclosed.

(f) The Director of Central Intelligence may extend up to thirty days the time period prescribed in paragraph (c) of this section within which to make a determination on an appeal from a refusal to amend or correct a record if it is found that a fair and equitable review cannot be completed within the prescribed time.

[40 FR 45322, Oct. 1, 1975, as amended at 41 FR 19105, May 10, 1976]

§ 1901.31 Disclosure of a record to a person other than the individual to whom it pertains.

(a) No record which is within a system of records shall be disclosed by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be:

(1) To those officers and employees of the agency which maintains the record

who have a need for the record in the performance of their duties;

(2) Required under 5 U.S.C. 552.

(3) For a routine use as defined in section 1901.3(f), as contained in the Notice of Systems published in the **Federal Register** of August 28, 1975 and as described in subsection (e)(4)(D) of the Act.

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

(5) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

§ 1901.41 Fees.

No fee shall be charged for the provision of copies of records requested under the Privacy Act (5 U.S.C. 552a).

§ 1901.51 Penalties.

(a) Criminal penalties may be imposed against any officer or employee of the

CIA who, by virtue of his employment, has possession of, or access to, Agency records which contain information identifiable with an individual, the disclosure of which is prohibited by the Act or by these rules, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it.

(b) Criminal penalties may be imposed against any officer or employee of the CIA who willfully maintains a system of records without meeting the requirements of subsection (e)(4) of the Act (5 U.S.C. 552a(e)(4)).

(c) Criminal penalties may be imposed upon any person who knowingly and willfully requests or obtains any record concerning an individual from the CIA under false pretenses.

§ 1901.61 General exemptions.

(a) Pursuant to authority granted in section (j) of the Act (5 U.S.C. 552a(j)) the Director of Central Intelligence has determined to exempt from all sections of the Act except 552a(b), (c) (1) and (2), (e) (1) (4) (A) through (F), (e) (5), (6), (7), (9), (10), and (11), and (i) the following systems of records or portions of records in a system of record:

(1) Polygraph records.

(b) Pursuant to authority granted in section (j) of the Act the Director of Central Intelligence has determined to exempt from subsections (c)(3) and (e)(3) (A through D) of the Act all systems of records maintained by the CIA.

(c) Pursuant to authority granted in subsection (j) of the Act the Director of Central Intelligence has determined to exempt from notification under subsections (e)(4)(G) and (f)(1) those portions of each and all systems of records which have been exempted from individual access under subsection (j), in those cases where the Privacy Act Coordinator determines after advice by the responsible components, that confirmation of the existence of a record may jeopardize intelligence sources and methods. In such cases the CIA may choose to neither confirm nor deny the existence of the record and may advise the individual that there is no record which is available to him pursuant to the Privacy Act of 1974.

(d) Pursuant to authority granted in subsection (j) of the Act the Director of Central Intelligence has determined to exempt from access by individuals under subsection (d) of the Act those portions and only those portions of all systems of records maintained by the CIA that:

(1) Consist of, pertain to, or would otherwise reveal intelligence sources and methods;

(2) Consist of documents or information provided by foreign, federal, state, or other public agencies or authorities.

(e) Pursuant to authority granted in subsection (j) of the Act the Director of Central Intelligence has determined to exempt from judicial review under subsection (g) of the Act all determinations to deny access under section (d) of the Act and all decisions to deny notice under subsections (e) (4) (G) and (f) (1) of the Act pursuant to determination made under paragraph (c) of this section when it has been determined by an appropriate official of the CIA that such access would disclose information which would:

(1) Consist of, pertain to or otherwise reveal intelligence sources and methods;

(2) Consist of documents or information provided by foreign, federal, state, or other public agencies or authorities.

§ 1901.71 Specific exemptions.

(a) Pursuant to authority granted in subsection (k) of the Act (5 U.S.C. 552a (k)) the Director of Central Intelligence has determined to exempt from subsection (d) those portions and only

those portions of all systems of records maintained by the CIA that would consist of, pertain to or would otherwise reveal information that is:

(1) Subject to the provisions of section 552(b)(1) of Title 5 U.S.C.;

(2) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of the Act; *Provided, however,* That if any individual is denied any right, privilege, or benefit that he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished the information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

(3) Maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 3056 of title 18;

(4) Required by statute to be maintained and used solely as statistical records;

(5) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

(6) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process; or

(7) Evaluation material used to determine potential for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

CIVIL RIGHTS COMMISSION

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CRC-001

System name: Appeals, Grievances and Complaints

System location:

Office of Management
Personnel Office
U.S. Commission on Civil Rights
1121 Vermont Avenue, NW, Room 507
Washington, D.C. 20425

Categories of individuals covered by the system: Applicants for Federal employment, current and former employees, agencies and annuitants who appeal a determination made by the Commission.

Categories of records in the system: This system of records contains information or documents relating to a decision and determination made by the Commission affecting an individual. The records consist of the initial grievance, complaint, or appeal, letters of notices to the individual, records of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimony of witnesses, investigative reports, notice of decision and related correspondence, opinions and recommendations.

Authority for maintenance of the system:

42 U.S.C. 1975d(a)
Federal Personnel Regulation (FPM) 293
Federal Personnel Regulation (FPM) 771
Federal Personnel Regulation (FMP) 752

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records and information in the records may be used to respond to a request from a member of Congress regarding the status of an appeal, complaint or grievance; to provide information to the public on the decision of an appeal, complaint or grievance required by the Freedom of Information Act; to respond to a court subpoena and/or refer to a district court in connection with a civil suit; to adjudicate an appeal, complaint, or grievance; as a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or personnel resources studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate a specific individual for personnel research or other personnel management functions; and to provide information or disclose to a Federal agency, in response to another agency's request, in connection with the hiring or retention of an employee.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in secured file folders, and index card.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and Disposal: The records are maintained up to two years and are transferred to the National Personnel Records Center, St. Louis, Missouri. They are destroyed by the Federal Records Center when the records are seven (7) years old.

System manager(s) and address:

Office of Management
Personnel Officer

U.S. Commission on Civil Rights
1121 Vermont Avenue, NW
Washington, D.C. 20425

Notification procedure: Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the record. They may, however, contact the:

Office of General Counsel
U.S. Commission on Civil Rights
1121 Vermont Avenue, NW, Room 600
Washington, D.C. 20425

Record access procedures: Same as above with appeal to the Staff Director.

Record source categories: Individuals to whom the record pertains, agency and/or Commission officials; affidavits or statements from employees; testimony of witnesses; official documents relating to the appeal, grievance, or complaints; and correspondence from specific organizations or persons.

Exemptions: The reasons for possibly asserting the exemptions are to prevent subjects of investigation from frustrating the investigatory process, to prevent disclosure of investigative techniques, to maintain the ability to obtain necessary information, to fulfill commitments made to sources to protect their identities and the confidentiality of information and to avoid endangering these sources.

CRC-002

System name: Applications for Employment.

System location:

U.S. Commission on Civil Rights
Office of Management
Personnel Division
1121 Vermont Avenue, NW, Room 507
Washington, D.C. 20425 Occasionally located on a temporary basis in divisional or regional offices.

Categories of individuals covered by the system: Applicants seeking employment with the U.S. Commission on Civil Rights.

Categories of records in the system: The system comprises S.F. 171's, personal resumes, and in many instances Civil Service Commission examination scores of individuals seeking employment with the Commission on Civil Rights.

Authority for maintenance of the system: 5 U.S.C. 1302, 3109, 3301, 3302, 3304, 3306, 3307, 3309, 3313, 3317, 3318, 3319, 3326, 3349, 4103, 5532, 5533, 5723, and Executive Orders 1057 and 11103. 42 U.S.C. 1975d.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used to refer applicants to the various offices of the Commission for purposes of consideration for placement in positions for which the applicants have applied and are qualified. The records are available to personnel specialists who review the applicants' qualifications and consider them for appropriate agency vacancies.

Records including Standard Forms 85, 86, 87 and 171 are also transmitted to the Civil Service Commission for investigative purposes and assistance to the Agency in selecting employees.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in file folders.

Retrievability: In some regional and divisional offices, the records are retrieved by name. In the Personnel Office, the records are recorded by name and grade in a log book. They can also be retrieved, however, by grade classification.

Safeguards: Access to these records are restricted to those with appropriate function within the agency.

Retention and Disposal: In divisional or regional offices, the records are retained for an indefinite period of time. They are then forwarded to the Personnel Office or discarded. In the Personnel Office, every year the applications are returned to the applicants for update and resubmission if applicants are still interested in employment with the Commission.

System manager(s) and address:

Personnel Officer
Office of Management, Room 507
U.S. Commission on Civil Rights
1121 Vermont Avenue, NW
Washington, D.C. 20425

Notification procedure:

General Counsel
Office of General Counsel, Room 600
U.S. Commission on Civil Rights
1121 Vermont Avenue, NW
Washington, D.C. 20425

Record access procedures: Address inquiries same as Notification, with appeals to the Staff Director.

Record source categories: Information submitted by applicants seeking employment with the Commission.

CRC-003

System name: Complaints.

System location:

U.S. Commission on Civil Rights
Office of Federal Civil Rights Enforcement, Complaints
Division, Office of General Counsel, and Regional Office
Liaison Office.
1121 Vermont Avenue, NW
Washington, D.C. 20425

Regional Offices:

Central States Regional Office, U.S.C.C.R.
911 Walnut Street
Kansas City, Missouri 64106
Mid-Atlantic Regional Office, U.S.C.C.R.
2120 L Street, NW (Room 510)
Washington, D.C. 20037
Midwestern Regional Office, U.S.C.C.R.
230 South Dearborn Street, 32nd Floor
Chicago, Illinois 60604
Rocky Mountain Regional Office, U.S.C.C.R.
Executive Tower Inn
1405 Curtis Street, Suite 1700
Denver, Colorado 80202
Northeastern Regional Office, U.S.C.C.R.
26 Federal Plaza (Room 1639)
New York, New York 10007
Southern Regional Office, U.S.C.C.R.
Citizens Trust Bank Building (Room 362)
75 Piedmont Avenue, NE
Atlanta, Georgia 30303
Southwestern Regional Office, U.S.C.C.R.
New Moore Building (Room 249)
106 Broadway
San Antonio, Texas 78205
Western Regional Office, U.S.C.C.R.
312 North Spring Street (Room 1015)
Los Angeles, California 90012

Categories of individuals covered by the system: Records are maintained by the name of the person filing the complaint and by the name of the person or organization the complaint is filed against.

Categories of records in the system: The record contains the complaint alleging a denial of equal protection based on race, color, religion, national origin, or sex or in the Administration of Justice and the action taken by the Commission on that complaint.

Authority for maintenance of the system: 42 U.S.C. 1975c(a)(1) and (5)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The record is used to assist in resolving complaints alleging denials of rights based on race, color, religion, national origin, or sex or in the Administration of Justice. Users of the record are the person or persons, groups, corporations or governmental agencies against whom the complaint is made and the Commissioners and Commission staff dealing with the complaint, as well as Federal or State agencies to which complaints may be referred. (Subject to the requirements of 42 U.S.C. 1975a(e).)

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on paper.

Retrievability: Records are indexed by subject matter, name of the complaining person or persons and the name of the persons, groups, corporations or governmental agencies against whom the complaint is brought.

Retention and Disposal: Records are maintained in file cabinets during the course of the complaint investigation and for a reasonable period of time afterwards until they are retired to the National Archives.

System manager(s) and address:

Director
Office of Management
U.S. Commission on Civil Rights
1121 Vermont Avenue, NW
Washington, D.C. 20425

Notification procedure:

General Counsel
U.S. Commission on Civil Rights
1121 Vermont Avenue, NW
Washington, D.C. 20425

Record access procedures: General Counsel

Contesting record procedures:

Staff Director
U.S. Commission on Civil Rights
1121 Vermont Avenue, NW
Washington, D.C. 20425

Record source categories: Complaints are received from the public; responses are received from those the complaint is filed against; further information is developed by Commission staff during the course of dealing with complaints.

Exemptions: The reasons for possibly asserting the exemptions are to prevent subjects of investigation from frustrating the investigatory process, to prevent disclosure of investigative techniques, to maintain the ability to obtain necessary information, to fulfill commitments made to sources to protect their identities and the confidentiality of information and to avoid endangering these sources.

CRC-004

System name: Commission Projects.

System location:

U.S. Commission on Civil Rights
1121 Vermont Avenue, NW
Washington, D.C. 20425

Categories of individuals covered by the system: Members of the public from whom the Commission has sought information; individuals active or interested in civil rights issues who have information on project subject areas; public and private individuals with civil rights responsibilities; and Congress persons.

Categories of records in the system: Reports from staff field investigations; interview reports; hearing files; transcripts; letters to and from individuals regarding civil rights; reports and publications prepared by governmental agencies and private groups and individuals concerning civil rights; reports from Commissioners regarding civil rights; communications between the Commission and other governmental agencies and between the Commission and private groups and individuals generated in the course of project investigations; Commission reports and publications.

Project files have been compiled by the following offices: Office of Staff Director; Office of General Counsel; Office of Research; Office of National Civil Rights Issues; Women's Rights Program Unit; Office of Program and Policy Review; Office of Federal Civil Rights Evaluation; Regional Office Liaison Unit.

Authority for maintenance of the system: 42 U.S.C. 1975c

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used to determine what projects the Commission should initiate; records are used as background and supporting material for the conduct of Commission projects; records are used during Commission hearings; records are used as background and supporting material in the preparation of Commission reports and publications. Primary users of these records are Commissioners and staff of the U.S. Commission on Civil Rights in the conduct of projects. The 51 State Advisory Committees to the Commission make use of project records in carrying out their advisory functions. Records are also available, in part, to use by the public upon request under the Freedom of Information Act. (Subject to 42 U.S.C. 1975a(e).)

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Material is maintained in the form of typed paper copy.

Retrievability: System is indexed by project title, subject matter, and by name of person or organization.

Retention and disposal: Records are kept in file cabinets during the project and for a reasonable time thereafter, and are retired to the

National Archives when the records no longer serve a continuing use.

System manager(s) and address:

Director
Office of Management
U.S. Commission on Civil Rights
1121 Vermont Avenue, NW
Washington, D.C. 20425

Notification procedure:

General Counsel
U.S. Commission on Civil Rights
1121 Vermont Avenue, NW
Washington, D.C. 20425

Record access procedures: Same as above with appeal to the Staff Director.

Record source categories: Members of the public, Commissioners, State Advisory Committee members, and Commission staff.

Systems exempted from certain provisions of the act: The reasons for possibly asserting the exemptions are to prevent subjects of investigation from frustrating the investigatory process, to prevent disclosure of investigative techniques, to maintain the ability to obtain necessary information, to fulfill commitments made to sources to protect their identities and the confidentiality of information and to avoid endangering these sources.

CRC—005

System name: Information on Commissioners, Staff and State Advisory Committee Members, Past and Present.

System location:

U.S. Commission on Civil Rights
1121 Vermont Avenue, NW
Washington, D.C. 20425
Office of the Staff Director
Public Affairs Office
Regional Office Liaison Unit
All Regional Offices

Categories of individuals covered by the system: Commissioners who are appointed by the President and confirmed by members of the Senate; State Advisory Committee members appointed by the Commissioners, and information on past Commissioners and advisory committee members. Limited information is kept on former employees in this system; also limited information is included on potential State Advisory Committee members.

Categories of records in the system: Contains rosters of Commissioners, State Advisory Committee members and staff; biographical information, and correspondence between the individual Commissioners, Advisory Committee members and staff. Staff lists reflect position and grade level.

Authority for maintenance of the system: 42 U.S.C. 1975; and sec. 1975d(a) and (c)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information (names, rosters) is maintained for distribution to the public, and for mailing Commission materials and publications. Rosters containing names of employees, position and grade level are used to review staffing patterns, personnel practices, hirings and separations. Biographical data on advisory committee members is reviewed by the Commissioners and staff in selecting, reappointing or rechartering State Advisory Committees. Biographical data on the Commissioners is also made available to the public.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Information is stored in file folders.

Retrievability:

Information is retrieved by subject matter, i.e., Commissioners, a named State Advisory Committee, or staff; and then by individual name.

Safeguards:

Information is contained in unlocked file drawers with access limited to staff who manage or assist in activities relating to the categories of individuals covered.

Retention and Disposal:

Information is kept in files during current tenure of Commissioners, Advisory Committee members, and staff. Upon resignation or change of membership files are retained for 2-3 years and then retired to the National Archives.

System manager(s) and address:

Director
Office of Management
U.S. Commission on Civil Rights
1121 Vermont Avenue, NW, Room 502A
Washington, D.C. 20425 For State Advisory Committee files:
Director, Regional Office Liaison Unit
U.S. Commission on Civil Rights
Regional Office Liaison Unit
1121 Vermont Avenue, NW, Room 500
Washington, D.C. 20425
Director
Public Affairs Unit
1121 Vermont Ave., NW
Washington, D.C. 20425

Notification procedure:

General Counsel
U.S. Commission on Civil Rights
1121 Vermont Avenue, NW
Washington, D.C. 20425

Record access procedures: Same as above for notification with appeals to the Staff Director.

Record source categories: Individual to whom the record pertains; personnel office and some members of the general public.

CRC—006

System name: Other Employee Programs: Equal Employment Opportunity, Troubled Employee and Upward Mobility.

System location:

Office of Staff Director
Director of Equal Employment Opportunity
U.S. Commission on Civil Rights
1121 Vermont Avenue, NW
Washington, D.C. 20425

Categories of individuals covered by the system: Equal Employment Opportunity: All employees of the Commission. Troubled Employee Program: Employees with personal problems which detract from job effectiveness (alcoholism, drug abuse, mental stress, etc.). Upward Mobility: Clerical employees who are eligible for entry into the program or who are participating in the program.

Categories of records in the system: Equal Employment Opportunity: Open and restricted investigative files pertaining to equal employment opportunity complaints and problems. Troubled Employee Program: Records are confidential and contain data regarding employees enrolled in the program, what assistance or counselling is received, and related information. Upward Mobility: Records of enrollment in training or educational programs, class progress and grades, as well as promotions or advancements within the Commission.

Authority for maintenance of the system: Executive Order 11478; 42 U.S.C. 1975d(a) and Federal Personnel Regulations, Chapter 293, 42 U.S.C. 2000e

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Equal Employment Opportunity: Used by Equal Employment Opportunity director, counsellors, investigators and other agency officials where appropriate to resolve discrimination complaints. After disposition is made of the case, files are reviewed by the Office of General Counsel and where appeals are taken, files are reviewed by hearing officers and Civil Service Board of Appeals and Review. Where court actions are filed, records are reviewed by the courts and attorneys for the parties.

Equal Employment Opportunity records are used to meet Civil Service Commission and Federal employment reporting requirements.

Troubled Employee Program files are used by the Equal Employment Opportunity director and supervisory or management personnel in determining the prognosis, need for counselling, or other action in individual cases.

Upward Mobility files are used to counsel employees and supervisors; to monitor the effectiveness of the program, the training received, on-the-job experience and overall progress of the participants. Records in the Equal Employment Opportunity and Upward Mobility Programs are used to assist the agency in developing its Affirmative Action program.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Records are maintained in the Office of the Director, Equal Employment Opportunity with access limited to the staff of that office. Investigative files (Equal Employment Opportunity) are retained in secured file cabinets.

Troubled Employee files are maintained in locked file cabinets and are unavailable to agency staff (except the Equal Employment Opportunity Director) in their entirety, however extractions are made as necessary for management decisions.

Upward Mobility files are maintained in the same office. The Equal Employment Opportunity director and the Federal Women's Program Coordinator are the primary users of these records with extracts made available to Personnel, supervisors or others within management. Upon completion of the program some of this data may be placed in the Official Personnel Folder.

System manager(s) and address:

Director of Equal Employment Opportunity
Office of Staff Director
U.S. Commission on Civil Rights
1121 Vermont Avenue, NW
Washington, D.C. 20425

Notification procedure:

General Counsel
U.S. Commission on Civil Rights
1121 Vermont Avenue, NW
Washington, D.C. 20425

Record access procedures: Same as above with appeals to the Staff Director.

Record source categories: The employee in the program, supervisors, management and co-workers, educational institutions, trainers, medical officials and other third parties dealing with covered employees.

Systems exempted from certain provisions of the act: The reasons for asserting the exemptions are to maintain the ability to obtain candid and necessary information, to fulfill commitments made to sources to protect the confidentiality of information, to avoid endangering these sources and, primarily, to facilitate proper selection or continuance of the best applicants or persons for a given position.

CRC-007

System name: Personnel Records.

System location:

U.S. Commission on Civil Rights
Office of Management
Personnel Division
1121 Vermont Avenue, NW, Room 507
Washington, D.C. 20425
Office of the Staff Director
Office of Management
Office of Information and Publications
Office of General Counsel
Office of Program and Policy Review
Regional Office Liaison Unit
Office of Research
Office of Federal Civil Rights Evaluation
Office of National Civil Rights Issues
All Regional Offices

Categories of individuals covered by the system: Current Commission employees and those formerly employed by the Commission.

Categories of records in the system: This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed at the Commission. These records contain information about an individual relating to his birth date; Social Security Number; veterans preference; tenure; handicap; past and present salaries, grades, and position titles; letters of commendation, reprimand, charges, and decisions on charges; notice of reduction-in-force; locator files; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer, and separation; training; minority group designator; records relating to life insurance, health benefits, and designation of beneficiary; training; performance ratings, data documenting the reasons for personnel actions or decisions made about an individual; awards; and other information relating to the status of the individual.

Authority for maintenance of the system: 42 U.S.C. 1975d(a); and Federal Personnel Regulations, Chapter 293

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used by agency officials for purposes of review in connection with appointments, transfers, promotions, reassignments, adverse actions, disciplinary actions, and determination of qualifications of an individual. Records are used to provide information to a prospective employer of a Commission employee or former employee.

These records are used in accordance with Civil Service Commission notices of Systems of Personnel Records including as a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in file folders, in file cabinets with access limited to those persons whose official duties require access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and Disposal:

The Official Personnel Folder (OPF) is retained indefinitely. The OPF is sent to the National Personnel Records Center within 30 days of the date of the employee's separation from the Federal service. Some records such as letters of reprimand, indebtedness, and vouchers are maintained for two years or destroyed when an individual resigns, transfers, or is separated from the Federal service.

System manager(s) and address:

Office of Management
Personnel Officer
1121 Vermont Avenue, NW, Room 507
Washington, D.C. 20425

Notification procedure:

General Counsel
U.S. Commission on Civil Rights
1121 Vermont Avenue, NW
Washington, D.C. 20425

Record access procedures: Same as above with appeals to the Staff Director. Former Federal employees who wish to contest their records should direct such a request in writing to:

Director
Bureau of Manpower Information Systems
U.S. Civil Service Commission
1900 E Street, NW
Washington, D.C. 20415

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he/she supplied, except information provided by agency officials.

CRC-008

System name: Resource and Consultant.

System location:

U.S. Commission on Civil Rights
1121 Vermont Avenue, NW
Washington, D.C. 20425
Office of Staff Director, Room 800
Women's Rights Program Unit, Room 503
Office of General Counsel, Room 600
Public Affairs Unit, Room 700 All Regional Offices:
Central States Regional Office, U.S.C.C.R.
911 Walnut Street
Kansas City, Missouri 64106
Mid-Atlantic Regional Office, U.S.C.C.R.
2120 L Street, NW, Room 510
Washington, D.C. 20037
Midwestern Regional Office, U.S.C.C.R.
230 South Dearborn Street, 32nd Floor
Chicago, Illinois 60604
Mountain Rocky Regional Office, U.S.C.C.R.
Executive Tower Inn

1405 Curtis Street, Suite 1700
 Denver, Colorado 80202
 Northeastern Regional Office, U.S.C.C.R.
 26 Federal Plaza, Room 1639
 New York, New York 10007
 Southern Regional Office, U.S.C.C.R.
 Citizens Trust Bank Building, Room 362
 75 Piedmont Avenue, NE
 Atlanta, Georgia 30303
 Southwestern Regional Office, U.S.C.C.R.
 New Moore Building, Room 249
 106 Broadway
 San Antonio, Texas 78205
 Western Regional Office, U.S.C.C.R.
 312 North Spring Street, Room 1015
 Los Angeles, California 90012
 Northwestern Regional Office
 Federal Building
 915 Second Avenue, Room 2852
 Seattle, Washington 98174

Categories of individuals covered by the system: Individuals with expertise and experience in civil rights matters; consultants, conference participants, appointees to Federal employment, boards of directors, state advisory committees, contractors, and other organizations.

Categories of records in the system: This system contains resumes, biographical sketches, mailing lists, rosters, some employment data and interview reports, newspaper clippings, magazine articles, and miscellaneous information about individuals.

Authority for maintenance of the system: 42 U.S.C. sec. 1975d(a) and (c), and sec. 1975c(a)(4)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is referred to other Commission offices upon request for use in recruitment of employees, for use in obtaining information on persons interested in serving on advisory committees, or providing potential resource or consultant assistance to the agency. Data is shared with non-agency requesters where individuals have consented or data is of a public nature. Mailing lists and rosters are used for correspondence between the Commissioners, staff, advisory committees and members of the public; also for dissemination of information where appropriate.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Records are on paper in file folders. Most data are stored strictly by project and subject title. Project directors and division heads are primary personnel using the system. Women's Rights Program Unit: Resumes are filed by name in the Unit's locked file cabinets; access is available to Unit staff and, on occasion, to other Commission supervisory staff and hiring officials. Office of General Counsel and Public Affairs Unit: Data is stored in file cabinets with limited access. These records are kept for an indefinite period of time within the agency and subsequently retired to the National Archives when the project file is inactive.

System manager(s) and address:

Director
 Office of Management
 U.S. Commission on Civil Rights, Room 502A
 1121 Vermont Avenue, NW
 Washington, D.C. 20425

Notification procedure:

Office of General Counsel, Room 600
 U.S. Commission on Civil Rights
 1121 Vermont Avenue, NW
 Washington, D.C. 20425

Record access procedures: Same as above with appeal to the Staff Director.

Record source categories: Biographical information and background information is obtained from the individual; resumes and S.F. 171's are also obtained from the individual. Other information is obtained from newspapers, magazines, and public sources.

CRC-009

System name: State Advisory Committee Project Files.

System location:

Regional Office Liaison Unit
 U.S. Commission on Civil Rights
 1121 Vermont Avenue, NW
 Washington, D.C. 20425 Regional Offices:

Central States Regional Office, U.S.C.C.R.
 911 Walnut Street
 Kansas City, Missouri 64106
 Mid-Atlantic Regional Office, U.S.C.C.R.
 2120 L Street, NW, Room 510
 Washington, D.C. 20037
 Midwestern Regional Office, U.S.C.C.R.
 230 South Dearborn Street, 32nd Floor
 Chicago, Illinois 60604
 Mountain Rocky Regional Office, U.S.C.C.R.
 Executive Tower Inn
 1405 Curtis Street, Suite 1700
 Denver, Colorado 80202
 Northeastern Regional Office, U.S.C.C.R.
 26 Federal Plaza, Room 1639
 New York, New York 10007
 Southern Regional Office, U.S.C.C.R.
 Citizens Trust Bank Building, Room 362
 75 Piedmont Avenue, NE
 Atlanta, Georgia 30303
 Southwestern Regional Office, U.S.C.C.R.
 New Moore Building, Room 249
 106 Broadway
 San Antonio, Texas 78205
 Western Regional Office, U.S.C.C.R.
 312 North Spring Street, Room 1015
 Los Angeles, California 90012
 Northwestern Regional Office
 Federal Building
 915 Second Avenue, Room 2852
 Seattle, Washington 98174

Categories of individuals covered by the system: Members of the public from whom staff or advisory committee members seek information in connection with a project or their advisory function; individuals active or interested in civil rights issues in their States and local communities; public and private individuals with civil rights responsibilities.

Categories of records in the system: Reports from staff field investigations; interview reports; informal hearings or open meetings files; transcripts; letters to and from individuals regarding civil rights, reports and publications prepared by governmental agencies and private groups; and individuals concerning civil rights; reports from State Advisory Committee members concerning civil rights; communications between the State Advisory Committees and State, local and Federal governmental agencies and between the State Advisory Committees and private individuals and groups generated during the course of State Advisory Committee project investigations; Commission reports and investigations. (Subject to the requirements of 42 U.S.C. 1975a(e).)

Project files by the 51 State Advisory Committees have been compiled by the Regional Office Liaison Unit in Washington, D.C. and in the following regional offices:

Central States Regional Office: Iowa; Kansas; Missouri; Nebraska.
 Mid-Atlantic Regional Office: Delaware; District of Columbia; Maryland; Pennsylvania; Virginia; West Virginia.
 Midwestern Regional Office: Illinois; Indiana; Michigan; Minnesota; Ohio; Wisconsin.
 Rocky Mountain Regional Office: Colorado; Montana; North Dakota; South Dakota; Utah; Wyoming.
 Northeastern Regional Office: Connecticut; Maine; Massachusetts; New Hampshire; New Jersey; New York; Rhode Island; Vermont.
 Southern Regional Office: Alabama; Florida; Georgia; Kentucky; Mississippi; North Carolina; South Carolina; Tennessee.
 Southwestern Regional Office: Arkansas; Louisiana; Oklahoma; Texas; New Mexico.
 Western Regional Office: Arizona; California; Hawaii; Nevada.
 Northwestern Regional Office: Alaska; Idaho; Oregon; Washington.

Authority for maintenance of the system: 42 U.S.C. 1975d(c)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used to determine what projects State Advisory Committees should initiate and as background and supporting material for the conduct of State Advisory Committee projects; records are used by State Advisory Committees as background and supporting material for the preparation of State Advisory Committee reports and recommendations to the U.S. Commission on Civil Rights. Primary users of these records are State Advisory Committee members and Commission staff assisting State Advisory Committees in the conduct of projects. State Advisory Committee records are available, in part, to the public

upon request under the Freedom of Information Act. (Subject to 42 U.S.C. 1975a(e).)

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are stored on paper.

Retrievability:

Records are indexed by project title, subject matter and within these categories by name of individuals and organization.

Retention:

Records are maintained by the Regional Office Liaison Unit in the headquarters office in Washington, D.C. and in the regional offices.

System manager(s) and address:

Director
Regional Office Liaison Unit
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Notification procedure:

General Counsel
U.S. Commission on Civil Rights
1121 Vermont Avenue, NW
Washington, D.C. 20425

Record access procedures: Same as above with appeal to the Staff Director.

Record source categories: Members of the public, State Advisory Committee members, Commissioners and Commission staff.

Systems exempted from certain provisions of the act:

The reasons for possibly asserting the exemptions are to prevent subjects of investigation from frustrating the investigatory process, to prevent disclosure of investigative techniques, to maintain the ability of obtain necessary information, to fulfill commitments made to sources to protect their identities and the confidentiality of information and to avoid endangering these sources.

CRC-010

System name: Travel, Payroll, Time and Attendance of Commissioners, Staff, Consultants, and State Advisory Committee Members.

System location:

Office of Management
U.S. Commission on Civil Rights
1121 Vermont Avenue, NW, Room 502
Washington, D.C. 20425, All divisional offices, All regional offices.

Categories of individuals covered by the system: Commissioners, staff, consultants, and State Advisory Committee members.

Categories of records in the system: Records consist of manual files containing payroll related information for staff and consultants. Payroll and time and attendance records and information includes many records or information also maintained in the Official Personnel Folder and related files maintained in accordance with Civil Service Commission regulations and of which notice has been given by the Civil Service Commission in its notice of government-wide systems of personnel records. Payroll and related information consists of various forms which discloses on a biweekly, year-to-date, and in some cases, an annual basis, payroll and leave data for staff and consultants relating to rate and amount of pay, leave, and hours worked, and leave balances; tax and retirement deductions; life insurance and health insurance deductions; savings allotments, savings bond and charity deductions.

For all categories of individuals covered, records include mailing addresses and home addresses, travel requests and travel vouchers where appropriate, statements of per diem and expense allowances.

Official travel records for the Commission are maintained by the General Services Administration.

Authority for maintenance of the system: 42 U.S.C. 1975d(a), Federal Personnel Manual and Treasury Fiscal Requirements Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Relevant records in this system are referred to the General Services Administration for preparation of payroll; to meet government payroll recordkeeping and reporting requirements; and for retrieving and supplying payroll and leave information as required for agency needs. Travel records or vouchers may be used for purposes of providing reimbursements to covered individuals for travel expenses and/or record of official travel. Relevant records in this system may be referred as a routine use, to the Department of Justice or other appropriate Federal agency for investigating or prosecuting any violation of any Federal law or requirement thereunder.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Routine uses of records maintained in this system shall include providing a copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Director, Office of Management, U.S. Commission on Civil Rights, who will forward the request to the General Services Administration for appropriate action. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the Director, Office of Management, U.S. Commission on Civil Rights, who will forward the request to the General Services Administration for appropriate action.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in individual folders for each category of individuals covered.

Retrievability:

Files are maintained in alphabetical order by category and by name.

Safeguards:

Maintained in areas to which access is controlled by or restricted to Commission management personnel.

Retention and Disposal:

In accordance with General Services Administration requirements for financial/ payroll/travel related records.

System manager(s) and address:

Budget and Finance Officer
Office of Management
U.S. Commission on Civil Rights
1121 Vermont Avenue, NW
Washington, D.C. 20425

Notification procedure:

Office of General Counsel
U.S. Commission on Civil Rights
1121 Vermont Avenue, NW
Washington, D.C. 20425

Record access procedures: Same as above with appeal to the Staff Director.

Record source categories: Provided by Civil Rights Commission employees and all categories of individuals covered.

Title 45—Public Welfare

Chapter VIII—Commission on Civil Rights

PART 705—MATERIALS AVAILABLE PURSUANT TO 5 U.S.C. 552a

Sec.

- 705.1 Purpose and scope.
- 705.2 Definitions.
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- 705.5 Disclosure of requested information to individuals.
- 705.6 Request for correction or amendment to record.
- 705.7 Agency review of request for correction or amendment of the record.
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- 705.9 Disclosure of records to a person other than the individual to whom the record pertains.
- 705.10 Fees.
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- 705.12 Special procedures: Information furnished by other agencies.
- 705.13 Exemptions.
- 705.95 Accounting of the disclosures of records.

Authority: Secs. 101–106, 71 Stat. 634–636 as amended (42 U.S.C. 1975–1975c) 5 U.S.C. 552a.

Source: 40 FR 45727, Oct. 2, 1975, unless otherwise noted Redesignated at 44 FR 75152, Dec. 19, 1979.

Editorial note: Nomenclature changes affecting this part appear at 44 FR 75152, Dec. 19, 1979.

§ 705.1 Purpose and scope.

(a) The purpose of this part is to set forth rules to inform the public regarding information maintained by the Commission on Civil Rights about identifiable individuals and to inform those individuals how they may gain access to and correct or amend information about themselves.

(b) The rules in this part carry out the requirements of the Privacy Act of 1974 (Pub. L. 93–579) and in particular 5 U.S.C. 552a as added by that Act.

(c) The rules in this part apply only to records disclosed or requested under the Privacy Act of 1974, and not to requests for information made pursuant to the Freedom of Information Act, 5 U.S.C. 552.

§ 705.2 Definitions.

For the purpose of this regulation:

(a) The terms "Commission" and "agency" mean the U.S. Commission on Civil Rights;

(b) The term "individual" means a citizen of the United States or an alien

lawfully admitted for permanent residence;

(c) The term "maintain" includes maintain, collect, use, or disseminate;

(d) The term "record" means any item, collection, or grouping of information about an individual that is maintained by the Commission, including, but not limited to, his or her education, financial transactions, medical history, and criminal or employment history and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual;

(e) The term "system record" means a group of any records under the control of the Commission from which information may be retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to that individual;

(f) The term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided in section 8 of title 13; and

(g) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(h) For purposes of these Rules, a "confidential source" means a source who furnished information to the Government under an express promise that the identity of the source would remain confidential, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

§ 705.3 Procedures for requests pertaining to individual records in a system of records.

(a) An individual seeking notification of whether a system of records contains a record pertaining to him or her or an individual seeking access to information or records pertaining to him or her which is available under the Privacy Act of 1974, shall present his or her request in person or in writing to the Solicitor of the Commission.

(b) In addition to meeting the requirements set forth in § 705.4(c) or (d), any person who requests information under these regulations shall provide a reasonably specific description of the information sought so that it may be located without undue search or inquiry. If possible, that description should include the nature of the records sought, the approximate dates covered by the record, and, if

known by the requester, the system in which the record is thought to be included. Requested information that is not identified by a reasonably specific description is not an identifiable record, and the request for that information cannot be treated as a formal request.

(c) If the description is insufficient, the agency will notify the requester and, to the extent possible, indicate the additional information required. Every reasonable effort shall be made to assist a requester in the identification and location of the record or records sought.

[40 FR 45727, Oct. 2, 1975, as amended by 42 FR 12046, Mar. 2, 1977. Redesignated at 44 FR 75152, Dec. 19, 1979]

§ 705.4 Times, places, and requirements for identification of individuals making requests and identification of records requested.

(a) The Solicitor is the designated Privacy Act Officer for the Commission.

(b) An individual making a request to the Solicitor in person may do so at the Commission's headquarters office, 1121 Vermont Avenue, NW, Washington, D.C. 20425, on any business day during business hours. Persons may also appear for purposes of identification only, at any of the regional offices of the Commission on any business day during business hours. Regional offices are located as follows:

Region I: U.S. Commission on Civil Rights, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (617) 223–4671 (8:45 a.m.–5:30 p.m.)

Region II: U.S. Commission on Civil Rights, 28 Federal Plaza, Room 1639, New York, N.Y. 10007, (212) 264–0543 (9:00 a.m.–5:30 p.m.)

Region III: U.S. Commission on Civil Rights, 2120 L Street, NW, Room 510, Washington, D.C. 20037, (202) 254–6670 (8:45 a.m.–5:30 p.m.)

Region IV: U.S. Commission on Civil Rights, Citizens Trust Bank Building, 75 Piedmont Avenue, NE, Atlanta, Georgia 30303, (404) 221–4344 (9:00 a.m.–5:30 p.m.)

Region V: U.S. Commission on Civil Rights, 230 South Dearborn Street, 32nd floor, Chicago, Illinois 60604, (312) 353–7371 (8:45 a.m.–5:30 p.m.)

Region VI: U.S. Commission on Civil Rights, Heritage Plaza, 418 South Main, First Floor, San Antonio, Texas 78204, (512) 225–4810 (8:45 a.m.–5:30 p.m.)

Region VII: U.S. Commission on Civil Rights, 911 Walnut Street, Kansas City, Missouri 64106 (816) 374–5253 (8:00 a.m.–5:30 p.m.)

Region IX: U.S. Commission on Civil Rights, 312 North Spring Street, Room 1015, Los Angeles, California 90012, (213) 688–5705 (8:45 a.m.–5:00 p.m.)

Region X: U.S. Commission on Civil Rights, Federal Building, 915 Second Avenue, Room 2852, Seattle, Washington 98174, (206) 442–1246 (8:00 a.m.–5:00 p.m.)

(c) An individual seeking access to records in person may establish his or

her identity by the presentation of one document bearing a photograph (such as a driver's license, passport, or identification card or badge) or by the presentation of two items of identification which do not bear a photograph, but do bear both a name and address (such as a credit card). When identification is made without photographic identification the Commission will request a signature comparison to the signature appearing on the items offered for identification, whenever possible and practical.

(d) An individual seeking access to records by mail shall establish his or her identity by a signature, address, date of birth, and one other identification, such as a copy of a driver's license, passport, identification card or badge, credit card or other document. The words "Privacy Act Request" should be placed in capital letters on the face of the envelope in order to facilitate requests by mail.

(e) An individual seeking access in person or by mail who cannot provide the required documentation of identification may provide a notarized statement, swearing or affirming to his or her identity and to the fact that he or she understands that there are criminal penalties for the making of false statements.

(f) The parent or guardian of a minor or a person judicially determined to be incompetent, in addition to establishing the identity of the minor or incompetent person he or she represents as required by paragraphs (a) through (c) of this section, shall establish his or her own parentage or guardianship by furnishing a copy of a birth certificate showing parentage or court order establishing guardianship.

(g) An individual seeking to review information about himself or herself may be accompanied by another person of his or her own choosing. In all such cases, the individual seeking access shall be required to furnish a written statement authorizing the discussion of his or her record in the presence of the accompanying person.

[40 FR 45727, Oct. 2, 1975, as amended at 42 FR 12046, Mar. 2, 1977. Redesignated at 44 FR 75152, Dec. 19, 1979]

§ 705.5 Disclosure of requested information to individuals.

The Solicitor, or one or more assistants designated by him or her, upon receiving a request for notification of the existence of a record, or for access to a record shall (a) determine whether such record exists; (b) determine whether access is available under the Privacy Act; (c) notify the requesting person of those determinations within 10 (ten) working

days (excluding Saturdays, Sundays, and legal public holidays); and (d) provide access to information pertaining to that person which has been determined to be available.

§ 705.6 Request for correction or amendment to record.

(a) Any individual who has reviewed a record pertaining to him or her that was furnished to him or her under this part may request the agency to correct or amend all or part of that record.

(b) Each individual requesting a correction or amendment shall send the request to the Solicitor.

(c) Each request for a correction or amendment of a record shall contain the following information:

(1) The name of the individual requesting the correction or amendment.

(2) The name of the system of records in which the record sought to be amended is maintained.

(3) The location of the record system from which the record was obtained.

(4) A copy of the record sought to be amended or a description of that record.

(5) A statement of the material in the record that should be corrected or amended.

(6) A statement of the specific wording of the correction or amendment sought.

(7) A statement of the basis for the requested correction or amendment including any material that the individual can furnish to substantiate the reasons for the amendment sought.

§ 705.7 Agency review of request for correction or amendment of the record.

Within ten (10) working days (excluding Saturdays, Sundays and legal public holidays) of the receipt of the request for the correction or amendment of a record, the Solicitor shall acknowledge receipt of the request and inform the individual that his or her request has been received and inform the individual whether further information is required before the correction or amendment can be considered. Further, the Solicitor shall promptly, and, under normal circumstances, not later than thirty (30) working days after receipt of the request, make the requested correction or amendment or notify the individual of his or her refusal to do so, including in the notification the reasons for the refusal, and the procedures established by the Commission by which the individual may initiate a review of that refusal. In the event of correction or amendment, an individual shall be provided with one copy of each record or portion thereof corrected or amended pursuant to his or her request without

charge as evidence of the correction or amendment. The Commission shall also provide to all prior recipients of such a record, the corrected or amended information to the extent that it is relevant to the information previously furnished to a recipient pursuant to the Privacy Act.

[40 FR 45727, Oct. 2, 1975, as amended at 42 FR 12046, Mar. 2, 1977. Redesignated at 44 FR 75152, Dec. 19, 1979]

§ 705.8 Appeal of an initial adverse agency determination.

(a) Any individual whose request for access or for a correction or amendment which has been denied, in whole or in part, by the Solicitor may appeal that decision to the Staff Director of the Commission, 1121 Vermont Avenue, NW, Room 800, Washington, D.C. 20425, or to a designee of the Staff Director.

(b) The appeal shall be in writing and shall:

(1) Name the individual making the appeal;

(2) Identify the record sought to be amended or corrected;

(3) Name the record system in which that record is contained;

(4) Contain a short statement describing the amendment or correction sought; and

(5) State the name of the person who initially denied the correction or amendment.

(c) Not later than thirty (30) working days (excluding Saturdays, Sundays, and legal public holidays) after the date on which the agency received the appeal, the Staff Director shall complete his or her review of the appeal and make a final decision thereon, unless, for good cause shown, the Staff Director extends the appeal period beyond the initial thirty (30) day appeal period. In the event of such an extension the Staff Director shall promptly notify the individual making the appeal that the period for a final decision has been extended.

(d) After review of an appeal request, the Staff Director will send a written notice to the requester containing the following information:

(1) The decision, and if the denial is upheld, the reasons for the decision;

(2) The right of the requester to institute a civil action in a Federal District Court for judicial review of the decision, if the appeal is denied; and

(3) The right of the requester to file with the Commission a concise statement setting forth the reasons for his or her disagreement with the Commission's decision denying the request. The Commission shall make this statement available to any person

to whom the record is later disclosed, together with a brief statement, if the Commission considers it appropriate, of the agency's reasons for denying the requested correction or amendment. These statements shall also be provided to all prior recipients of the record to the extent that it is relevant to the information previously furnished to a recipient pursuant to the Privacy Act.

[40 FR 45727, Oct. 2, 1975, as amended at 42 FR 12047, Mar. 2, 1977. Redesignated at 44 FR 75152, Dec. 19, 1979]

§ 705.9 Disclosure of records to a person other than the individual to whom the record pertains.

(a) Any individual who desires to have his or her record disclosed to or mailed to a third person may authorize that person to act as his or her agent for that specific purpose. The authorization shall be in writing, signed by the individual, and notarized. The agent shall also submit proof of his or her own identity as provided in § 705.4.

(b) The parent of any minor individual or the legal guardian of any individual who has been declared by a court to be incompetent, due to physical or mental incapacity, may act on behalf of that individual in any matter covered by this part. A parent or guardian who desires to act on behalf of such an individual shall present suitable evidence of parentage or guardianship, by birth certificate, copy of a court order or similar documents, and proof of the individual's identity as provided in § 705.4.

(c) An individual to whom a record is to be disclosed, in person, pursuant to this part may have a person of his or her own choosing accompany the individual when the record is disclosed.

§ 705.10 Fees.

If an individual requests copies of his or her records the charge shall be three (3) cents per page, provided, however, that the Commission shall not charge for copies furnished to an individual as a necessary part of the process of disclosing the record to an individual. Fees may be waived or reduced in accordance with § 704.1(e) of the Commission's regulations (45 CFR Part 704) because of indigency, where the cost is nominal, when it is in the public interest not to charge, or when waiver would not constitute an unreasonable expense to the Commission.

§ 705.11 Penalties.

Any person who makes a false statement in connection with any request for a record, or in any request for an amendment to a record under this

part, is subject to the penalties prescribed in 18 U.S.C. 494 and 495.

§ 705.12 Special procedures: Information furnished by other agencies.

When records or information sought from the Commission include information furnished by other Federal agencies, the Solicitor shall consult with the appropriate agency prior to making a decision to disclose or to refuse to disclose the record, but the decision whether or not to disclose the record shall be made by the Solicitor.

§ 705.13 Exemptions.

(a) Under the provision of 5 U.S.C. 552a(k), it has been determined by the agency that the following exemptions are necessary and proper and may be asserted by the agency:

(1) *Exemption (k)(2) of the Act.* Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of the Privacy Act: Provided, however, That if any individual is denied any right, privilege, or benefit that he or she would otherwise be eligible for, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

(2) *Exemption (k)(4) of the Act.* Statistical personnel records that are used only to generate aggregate data or for other evaluative or analytical purposes and which are not used to make decisions on the rights, benefits, or entitlements of individuals.

(3) *Exemption (k)(5) of the Act.* Investigatory material maintained solely for the purposes of determining an individual's qualifications, eligibility, or suitability for employment in the Federal civilian service, Federal contracts, or access to classified information, but only to the extent that disclosure of such material would reveal the identity of the source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(4) Testing or examination material used solely to determine individual qualifications for promotion or appointment in the Federal service the

disclosure of which would compromise the objectivity or fairness of the testing or examination process.

(b) Following are Commission systems of records which are partially exempt under 5 U.S.C. 552a(k)(2), (4), (5), and (6) and the reasons for such exemptions:

(1) *Appeals, Grievances and Complaints (staff)—Commission Project, CRC-001.* Exempt partially under 5 U.S.C. 552a(k)(2)—The reasons for possibly asserting the exemptions are to prevent subjects of investigation from frustrating the investigatory process, to prevent disclosure of investigative techniques, to maintain the ability to obtain necessary information, to fulfill commitments made to sources to protect their identities and the confidentiality of information and to avoid endangering these sources.

(2) *Complaints, CRC-003—Exempt partially under 5 U.S.C. 552a(k)(2).* The reasons for possibly asserting the exemptions are to prevent subjects of investigation from frustrating the investigatory process, to prevent disclosure of investigative techniques, to maintain the ability to obtain necessary information, to fulfill commitments made to sources to protect their identities and the confidentiality of information and to avoid endangering these sources.

(3) *Commission projects, CRC-004—Partially exempt under 5 U.S.C. 552a(k)(a).* The reasons for asserting the exemptions are to prevent subjects of investigation from frustrating the investigatory process, to prevent disclosure of investigative techniques, to maintain the ability to obtain necessary information, to fulfill commitments made to sources to protect their identities and the confidentiality of information and to avoid endangering these sources.

(4) *Other Employee Programs: EEO, Troubled Employee, and Upward Mobility, CRC-006—Partially exempt under 5 U.S.C. 552a(k)(4), (5), and (6).* The reasons for asserting the exemptions are to maintain the ability to obtain candid and necessary information, to fulfill commitments made to sources to protect the confidentiality of information, to avoid endangering these sources and, primarily, to facilitate proper selection or continuance of the best applicants or persons for a given position.

(5) *State Advisory Committees Projects, CRC-009—Partially exempt under 5 U.S.C. 552a(k)(2).* The reasons for possibly asserting the exemptions are to prevent subjects of investigation from frustrating the investigatory process, to prevent disclosure of

investigative techniques, to maintain the ability to obtain necessary information, to fulfill commitments made to sources to protect their identities and the confidentiality of information and to avoid endangering these sources.

§ 705.95 Accounting of the disclosures of records.

(a) All disclosures of records covered by this Part 705, except for the exemptions listed in § 705.95(b), shall be accounted for by keeping a written record of the particular record disclosed, the name and address of the person or agency to whom or to which disclosed, and the date, nature and purpose of the disclosure.

(b) No accounting is required for disclosures of records to those officials and employees of the Commission who have a need for the record in the performance of their duties, or if disclosure would be required under the Freedom of Information Act, 5 U.S.C. 552.

(c) The accounting shall be maintained for 5 years or until the record is destroyed or transferred to the National Archives and Record Administration for storage, in which event, the accounting pertaining to those records, unless maintained separately, shall be transferred with the records themselves.

(d) The accounting of disclosures may be recorded in any system the

Commission determines is sufficient for this purpose, however, the Commission must be able to construct from its system a listing of all disclosures. The system of accounting of disclosures is not a system of records under the definition in § 705.2(e) and no accounting need be maintained for disclosure of the accounting of disclosures.

(e) Upon request of an individual to whom a record pertains, the accounting of the disclosures of that record shall be made available to the requester, provided that he/she has complied with § 705.3(a) and with § 705.4(c) or (d).

[42 FR 12047, Mar. 2, 1977]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

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CBH—1 General Personnel File
CBH—2 General Financial Records
CBH—3 Payroll Records

CBH—1

System name: General Personnel File for Committee for Purchase from the Blind and Other Severely Handicapped—CBH—1.

System location: 2009 14th Street North, Suite 610, Arlington, Virginia 22201

Categories of individuals covered by the system: Committee members and employees (past and present).

Categories of records in the system: Categories of records in the system: General personnel information, including, among other data, photographs, applications, position description, request for and notification of personnel action, training records, security clearances, titles, service computation date, date of birth, grade, salary, employment history, home address, age, marital status, social security number, home telephone number, resume, letter of recommendation, and short biographical sketches. System contains copies of Civil Service Commission personnel forms including, among other: Data for nonsensitive or noncritical-sensitive position, and payroll change slip. Information is used by authorized Committee employees in the performance of their duties.

Authority for maintenance of the system: 5 U.S.C., generally, and Pub. L. 92-28.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper

Retrievability: Manual and by name.

Safeguards: Files locked in office; records are available to authorized persons only.

Retention and disposal: In accordance with General Records Schedule FPMR 101-11.4.

System manager(s) and address: Executive Director

1755 Jefferson Davis Highway, Suite 1107,
Arlington, Virginia 22202

Notification procedure: Contact individual listed above.

Record access procedures: Requests from individuals should be addressed to the Executive Director of the Committee staff. Requests may also be made in person. For written requests, the individual should provide full name, address, telephone number, and the dates of the activity. For personal visits, the individual should be able to provide some acceptable identification such as driver's license or employee identification card. Only general inquiries may be made by telephone.

Contesting record procedures: Rules for access to records and for contesting the contents and appealing initial determinations have been promulgated in 41 CFR Part 51-8.

Record source categories: Official personnel records and the individual.

CBH—2

System name: General Financial Records for Committee for Purchase from the Blind and Other Severely Handicapped—CBH—2.

System location: General Services Administration, Central Office, copies held by the Committee. (GSA holds records for Committee under contract.)

Categories of individuals covered by the system: Committee employees.

Categories of records in the system: SF 1038, Application and account for advance of funds; Vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the Committee who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally and Pub. L. 92-28.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage: Paper and tape.

Retrievability: Manual and automated by name.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Executive Director

1755 Jefferson Davis Highway, Suite 1107,
Arlington, Virginia 22202.

Notification procedure: Contact system manager listed above.

Record access procedures: Requests from individuals should be addressed to the Executive Director of the Committee staff. Requests may also be made in person. For written requests, the individual should provide full name, address, telephone number, and the dates of the activity. For personal visits, the individual should be able to provide some acceptable identification such as driver's license or employee identification card. Only general inquiries may be made by telephone.

Contesting record procedures: Rules for access to records and for contesting the contents and appealing initial determinations have been promulgated in 41 CFR Part 51-8.

Record source categories: The subject individual; the Committee.

CBH—3

System name: Payroll Records for Committee for Purchase from the Blind and Other Severely Handicapped—CBH—3.

System location: General Services Administration, Region 3 Office; copies held by the Committee (GSA holds records for Committee under contract).

Categories of individuals covered by the system: Past and present Committee employees.

Categories of records in the system: Varied payroll records, including, among other documents, time and attendance cards, payment vouchers, comprehensive listing of employees, health benefits records, requests for deductions, tax forms, W-2 forms, overtime requests, leave data, retirement records. Records are used by Committee and GSA employees to maintain adequate payroll information for Committee employees and otherwise by Committee and GSA employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix.

Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5529, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 1755 Jefferson Davis Highway, Suite 1107, Arlington, Virginia 22202.

The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with Section 7 of the Privacy Act, Pub. L. 93-579.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: Social Security Number.

Safeguards: Stored in guarded building, released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Executive Director,
2009 14th Street, North, Suite 610,
Arlington, Virginia 22201.

Notification procedure: Contact system manager listed above.

Record access procedures: Requests from individuals should be addressed to the Executive Director of the Committee staff. Requests may also be made in person. For written requests, the individual should provide full name, address, telephone number, and the dates of the activity. For personal visits the individual should be able to provide some acceptable identification such as driver's license or employee identification card. Only general inquiries may be made by telephone.

Contesting record procedures: Rules for access to records and for contesting the contents and appealing initial determinations have been promulgated in 41 CFR Part 51-8.

Record source categories: The subject individual; the Committee.

APPENDIX (CBH)

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute of particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

A record from this system of records may be disclosed to officers and employees of a federal agency for purpose of audit.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a congressional staff member in response to an inquiry of the Congressional Office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

Title 41—Public Contracts and Property Management

Subtitle B—Other Provisions Relating to Public Contracts

Chapter 51—Committee for Purchase from Blind and Other Severely Handicapped

PART 51-8—PRIVACY ACT RULES

Subpart 51-8.1—General Policy

Sec.

- 51-8.101 Maintenance of records.
- 51-8.101-1 Collection and use.
- 51-8.101-2 Standards of accuracy.
- 51-8.101-3 Content of systems of records.
- 51-8.101-4 Rules of conduct.
- 51-8.101-5 Safeguarding systems of records.
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- 51-8.304-3 Prepayment of fees over \$25.
- 51-8.304-4 Form of payment.
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Subpart 51-8.4—Requests To Amend Records

- 51-8.401 Submission of requests to amend records.
- 51-8.402 Review of requests to amend records.
- 51-8.403 Approval of requests to amend.
- 51-8.404 Refusal of request to amend.
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Subpart 51-8.5—Report on New Systems and Alteration of Existing Systems

- 51-8.501 Reporting requirement.
- 51-8.502 Federal Register notice of establishment of new system or alteration of existing system.
- 51-8.503 Effective date of new systems of records or alteration of an existing system of records.

Subpart 51-8.6—Exceptions [Reserved]

Subpart 51-8.7—Rules of Conduct for Disclosure of Information About an Individual

51-8.701 Committee rules of conduct.

Authority: Pub. L. 93-579, December 31, 1974; 5 U.S.C. 552a.

Source: 40 FR 51168, Nov. 3, 1975, unless otherwise noted.

Subpart 51-8.1—General Policy

§ 51-8.101 Maintenance of records.

§ 51-8.101-1 Collection and use.

Any information used in whole or in part in making a determination about an individual's rights, benefits, or privileges under the Committee programs, shall, to the extent practicable, be collected directly from the subject individual. At the time information is collected, the individual must be informed of the authority for collecting such information, whether providing the information is mandatory or voluntary, the purposes for which the information will be used, the routine uses as published in the **Federal Register**, and the effects on the individual, if any, of not providing the information. The information collected shall be used only for the intended purpose or permission for additional use will be obtained from the subject individual.

§ 51-8.101-2 Standards of accuracy.

The Executive Director shall ensure that all records which are used by the agency to make determinations about any individual are maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual. Upon petition by an individual, the Executive Director shall provide the individual with the opportunity to review his records, and to request amendment of a portion which the individual believes is not accurate, relevant, timely or complete. Prior to dissemination of records about any individual to any person or to another agency, exclusive of disclosure pursuant to the Freedom of Information Act, the Executive Director shall make reasonable effort to ensure that such records are accurate, complete, timely, and relevant.

§ 51-8.101-3 Content of systems of records.

The Executive Director shall maintain in records only such information about an individual as is relevant and necessary to accomplish an agency purpose required by statute or executive order. Such records shall not contain

any information describing how any individual exercises rights guaranteed by the First Amendment unless specifically authorized by statute, by the subject individual, or is pertinent to and within the scope of an authorized law enforcement activity. For these purposes, First Amendment rights include, but are not limited to, religious and political beliefs, freedom of speech, the press, assembly, and freedom to petition.

§ 51-8.101-4 Rules of conduct.

Any employee of the Committee involved in the design, development, operation or maintenance of any system of records, or in maintaining any record, shall review the provisions of 5 U.S.C. 552a and these regulations, and shall conduct himself accordingly with the rules of conduct concerning the protection of personal information outlined in 41 CFR 51-8.7. Disclosure of Information about an Individual.

§ 51-8.101-5 Safeguarding systems of records.

The Executive Director shall ensure that appropriate administrative, technical and physical safeguards are established to ensure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained.

§ 51-8.102 Availability of records.

Committee records pertaining to an individual shall be made available to the subject individual to the greatest extent possible. Disclosures of records to other than the subject individual will be made only in accordance with Subpart 51-8.2 of this part.

§ 51-8.102-1 Specific exemptions.

Systems of records maintained by the Committee which have been exempted from certain requirements of the Privacy Act are designated in Subpart 51-8.6 of this part. An individual shall have access to all exempted records containing information about him under procedures outlined in Subpart 51-8.3 of this part. Upon request, an individual shall receive an accounting of any disclosure of information about him.

Subpart 51-8.2—Disclosure of Records

§ 51-8.201 Conditions of disclosure.

No Committee member or employee of the Committee shall disclose any record to any person or to another agency

without the express written consent of the subject individual unless the disclosure is:

(a) To Committee members or employees who have a need for the information in the official performance of their duties.

(b) Required under the provisions of the Freedom of Information Act.

(c) For a routine use as published in the annual notice in the **Federal Register**.

(d) To the Bureau of Census for uses pursuant to Title 13.

(e) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record and the record is to be transferred in a form that is not individually identifiable. The written statement should include as a minimum:

(1) A statement of the purpose for requesting the records, and

(2) Certification that the records will be used only for statistical purposes.

These written statements shall be maintained as records. In addition to stripping, personally identifying information from records released for statistical purpose, the Committee will ensure that the identity of the individual cannot reasonably be deduced by combining various statistical records.

(f) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value.

(g) To another agency or instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought.

(h) To a person showing compelling circumstances affecting the health and safety of an individual (not necessarily the individual to whom the record pertains). Upon such disclosure, a notification of such shall be sent to the last known address of the individual.

(i) To either House of Congress or to a subcommittee or committee (joint or of either House, to the extent that the subject matter falls within their jurisdiction).

(j) To the Comptroller General, or any of his authorized representatives in the course of the performance of the duties of the General Accounting Office, or

(k) Pursuant to the order of the court of competent jurisdiction.

§ 51-8.202 Accounting of disclosures.

(a) Except for disclosures made pursuant to paragraphs (a) and (b) of § 51-8.201 of this part, an accurate accounting of each disclosure will be made and retained for five years after the disclosure or for the life of the record, whichever is longer. The accounting will include the date, nature, and purpose of each disclosure, and the name and address of the person or agency to whom the disclosure is made.

(b) The accounting will be recorded and maintained in any manner the Executive Director determines is satisfactory for the purposes of constructing a listing of all disclosures, and for providing a cross reference to the justification or basis upon which the disclosure was made, including written documentation required when records are released for statistical or law enforcement purposes and any written consents provided by the individual.

(c) Except for disclosures made to agencies or instrumentalities in law enforcement activities in accordance with § 51-8.201(e)(2) or for disclosures made from systems exempted from this requirement of the Act as outlined in Subpart 51-8.6 of this part, the accounting of disclosures will be made available to the individual upon request. Procedures for requesting access to the accounting are outlined in Subpart 51-8.3 of this part.

Subpart 51-8.3—Individual Access to Records

§ 51-8.301 Notification.

Any individual who wishes to determine if a system of records maintained by the Committee contains a record pertaining to him should direct a request to the Executive Director at the address indicated in the public notice describing the system of records which has been published in the **Federal Register**. The request should display clearly the legend "Privacy Act Request" both on the face of the request letter and on the face of the envelope. The request letter should contain the complete name and identifying number of the system as published in the **Federal Register**; the full name, address, and telephone number of the subject individual; a brief description of the nature, time, place and circumstances of the individual's association with the Committee and any other information

which the individual believes would facilitate the Executive Director's determination whether the individual's name is included in the system of records. The Executive Director shall answer or acknowledge the request within ten working days.

§ 51-8.302 Times, places and requirements for access requests.

Records will be available for authorized access during normal business hours at the offices where the records are located. A requester should be prepared to identify himself through production of a driver's license, student or employee identification card, or other identification acceptable to the Executive Director. When the disclosure of records to the wrong individual would result in substantial harm, embarrassment, inconvenience, or unfairness to the subject individual, the Executive Director may require a notarized statement of identity. The Executive Director shall ensure that such times, places, and requirements for identification are not excessive and do not restrict individual access unduly.

§ 51-8.303 Access procedures.

§ 51-8.303-1 Form of requests.

(a) An individual must request access to his record in writing. The Executive Director shall accept by telephone only general inquiries for information regarding systems of records or procedures.

(b) A written request should be directed to the Executive Director as listed in the public notice describing the system of records. The individual should display clearly on the face of the request letter and on the face of the envelope the legend "Privacy Act Request", and include the complete name and identifying number of the system as published in the **Federal Register**; the full name, address, the telephone number of the individual; a brief description of the nature, time, place and circumstances of the individual's association with the Committee; and any other information which the individual believes would facilitate the Executive Director's search for the record.

(c) An individual who wishes to have a person of his choosing accompany him in reviewing a record must sign a statement authorizing the disclosure of his record in the presence of another individual, if so requested by the Executive Director. An individual who intends to visit the Committee office in order to review a record should make an appointment with the Executive Director at least one week in advance.

§ 51-8.303-2 Special requirements for medical/psychological records.

(a) The Executive Director may require an individual who requests access to his medical or psychological record to designate a physician of his choice to whom he may disclose the individual's record if in the opinion of the Executive Director, disclosure directly to the individual might be harmful.

(b) The Executive Director shall mark records which should not be disclosed directly to the subject individual and shall inform an individual requesting such records of the requirement to designate a physician to whom the records can be disclosed.

§ 51-8.303-3 Granting access.

(a) Upon receipt of a request for access to non-exempt records, the Executive Director shall make such records available to the individual, or shall acknowledge the request within ten working days. The acknowledgment shall indicate when the Executive Director will make the record available.

(b) If the Executive Director anticipates more than ten days in making a record available he also shall include in the acknowledgement specific reasons for the delay.

(c) If an individual's request for access does not contain sufficient information to permit the Executive Director to locate the record, the Executive Director shall request additional information from the individual and shall have ten working days following receipt of the additional information in which to make the record available, or to acknowledge receipt of the request and indicate when the record will be available. In no case shall more information be requested from the individual than that contained in the pertinent system of records.

(d) The Executive Director, at his discretion, either shall permit an individual to examine the original of the record, or shall provide the individual with a copy of the record. Fees shall be charged only for copies requested by the individual and not for copies provided to the individual for convenience of the agency.

(e) An individual may request to pick up a record in person or receive it by mail, directed to the name and address provided by the individual in his request. The Executive Director shall not make a record available to a third party for delivery to the subject individual, except in the case of medical records outlined in § 51-8.303-2.

(f) The Executive Director shall maintain in an individual's record an accounting of disclosures to the

individual's documenting compliance with the request.

(g) The procedures for access to an accounting of disclosures is identical to the procedure for access to a record as set forth in this section.

§ 51-8.303-4 Denials of access.

(a) The Executive Director may deny any individual access to his record only on the grounds that the Committee has published rules in the **Federal Register** exempting the pertinent system of records from the access requirement.

(b) Upon receipt of a request for access to an exempt system, the Executive Director shall prepare a letter denying access. The letter of denial shall contain a justification for denial of access which includes appropriate citation to the exemption provisions of these rules or other **Federal Register** notice exempting the system.

§ 51-8.304 Fees.

§ 51-8.304-1 Records available without charge.

The Executive Director shall make one copy of a record available to an employee without charge, and may waive the fee requirement for any other individual requesting records if the cost of collecting the fee is an unduly large part of, or greater than, the fee, or when furnishing the record without charge conforms to generally established business custom or is in the public interest.

§ 51-8.304-2 Records available at a fee.

The Executive Director shall provide one copy of a record to the individual at a fee prescribed in § 51-8.304-5. A reasonable number of additional copies will be provided for the applicable fee where reproduction services are not readily available.

§ 51-8.304-3 Prepayment of fees over \$25.

When the Executive Director determines that the anticipated total fee is likely to exceed \$25, he shall notify the individual that he must prepay the anticipated fee prior to making the records available. The Committee will remit the excess paid by the individual or bill the individual for an additional amount according to variations between the final fee charged and the amount prepaid.

§ 51-8.304-4 Form of payment.

Payment shall be by check or money order payable to the Committee for Purchase from the Blind and Other Severely Handicapped and shall be addressed to the Executive Director.

§ 51-8.304-5 Reproduction fee schedule.

(a) The fee for reproducing a copy of a record (by routine electrostatic copying) up to and including material 8½ x 14 inches shall be \$0.10 per page.

(b) The fee for reproducing a copy of a record over 8½ x 14 inches or whose physical characteristics do not permit reproduction by routine electrostatic copying shall be the direct cost of reproducing the records through Government or commercial sources.

Subpart 51-8.4—Requests To Amend Records

§ 51-8.401 Submission of requests to amend records.

(a) An individual who desires to amend any record or information pertaining to him should direct a written request to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

(b) A request should bear the legend "Privacy Act—Request to Amend Record" prominently marked on both the face of the request letter and the envelope.

(5 U.S.C. 552a)

[40 FR 51168, Nov. 3, 1975, as amended at 49 FR 38267, Sept. 28, 1984]

§ 51-8.402 Review of requests to amend records.

(a) Upon receipt of a request to amend a record, the responsible official, whenever practicable shall complete the review and advise the individual of the results within ten working days. If a determination cannot be made within ten working days, the Executive Director, within ten working days, shall send the individual a written acknowledgment of receipt of the request including a description of the request and the date when the requester may expect to be advised of action taken on the request. Except in unusual circumstances, the Executive Director shall complete the review within 30 working days. In unusual circumstances, causing delay beyond the 30 day limit, the Executive Director shall inform the individual in writing of the cause of delay, the actions taken to review the record, and the date the Executive Director anticipates the review to be complete.

(b) When reviewing a record in response to a request to amend, the Executive Director shall assess the accuracy, relevance, timeliness, and completeness of the record to ensure fairness to the individual in any

determination made on the basis of the record. With respect to a request to delete information, the Executive Director also shall review the request and record to determine whether the information is relevant and necessary to accomplish an agency purpose required to be accomplished by law or Executive Order.

§ 51-8.403 Approval of requests to amend.

If the Executive Director agrees to amend a record, he promptly shall make the necessary corrections to the record and shall send a copy of the corrected record to the individual. Where an accounting of disclosure has been maintained, he shall advise all previous recipients of the record of the fact that a correction was made of/and the substance of the correction. Where practicable, the Executive Director shall send a copy of the corrected record to previous recipients.

§ 51-8.404 Refusal of request to amend.

(a) The Executive Director, or any official acting for him, shall have the authority to issue an initial refusal of a request to amend a record within his custody and shall be responsible for the initial adverse agency determination.

(b) If the Executive Director, after reviewing the request to amend a record, determines not to amend the record, he promptly shall advise the requester in writing of the determination. The refusal letter (1) shall state the reasons for refusal, (2) shall state the requester's right to seek a review of the initial determination, and (3) shall state the procedures for requesting such review.

§ 51-8.405 Request of review of refusal to amend a record.

(a) An individual who disagrees with the refusal to amend may appeal that refusal with the Committee. An individual should address a request for review of a refusal to amend any record, exclusive of a personnel record of a current Committee employee to the Chairman, Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

(b) A request to review must be in writing and should include a copy of the initial request and refusal to amend. The request to review should bear the legend "Privacy Act—Request for Review of Refusal to Amend" on both the face of the letter and the envelope. The Chairman shall complete the review and make a determination no later than 30 working days after receipt of the request

for review, unless a determination is made to extend the 30 day period. If a determination is made to extend the 30 day period, the Chairman shall notify the requester in writing of the reasons for the delay and the date when the review will be completed.

(c) Upon receipt of a request to review a refusal to amend, the Chairman shall undertake an independent review of the request and initial determination. If, after conducting the review, the Chairman agrees to amend, he shall notify the requester promptly in writing of the determination, amend the record, and notify previous recipients in accordance with § 51-8.403.

(d) If, after conducting the review, the Chairman agrees with the refusal to amend the record, he shall notify the requester promptly in writing of the determination. The notification shall include the reasons for the refusal, and shall advise the individual of his right to file a statement of disagreement, and the procedures for doing so. The Chairman also shall advise the individual that such statement of disagreement will be made available in any subsequent disclosures of the record together with a concise statement summarizing reasons for refusal where the responsible official deems it appropriate. The Chairman also will advise the individual of his right to bring civil action against the agency in a district court of the United States.

(5 U.S.C. 552a)

[40 FR 51168, Nov. 3, 1975, as amended at 49 FR 38267, Sept. 26, 1984; 49 FR 43065, Oct. 26, 1984]

Subpart 51-8.5—Report on New Systems and Alteration of Existing Systems

§ 51-8.501 Reporting requirement.

(a) No later than 30 days prior to the establishment of a new systems of records, the Executive Director shall submit a copy of the proposal to the President of the Senate, the Speaker of the House of Representatives, and the Director of the Office of Management and Budget for their evaluation of the probable or potential effect of such proposal on the privacy and other personal or property rights of individuals of the disclosure of information relating to such individuals.

(b) No later than 30 days prior to the alteration of a system of records, the Executive Director for the maintenance of that system of records shall submit a copy of the proposal to the President of the Senate, the Speaker of the House of Representatives, and the Director of the Office of Management and Budget for their evaluation of the probable or

potential effect of such proposal on the privacy and other personal or property rights of individuals of the disclosure of information relating to such individuals.

§ 51-8.502 Federal Register notice of establishment of new system or alteration of existing system.

(a) When the Executive Director receives notice that the Senate, the House of Representatives, and the Office of Management and Budget do not object to the establishment of a new system of records, or the alteration of an existing system of records, or

(b) When no fewer than 30 days elapse from the submission of the proposal to the Senate, the House of Representatives, and the Office of Management and Budget, without receipt by the Executive Director of an objection to the proposal, then a notice shall be published in the **Federal Register** of the proposed establishment or alteration of a system of records. The notice shall include all of the information required to be provided by the Privacy Act of 1974, and such other information as deemed necessary.

§ 51-8.503 Effective date of new systems of records or alteration of an existing system of records.

Systems of records proposed to be established or altered in accordance with the provision of the subpart shall be effective no sooner than 30 days from the publication of notice required by § 51-8.502.

Subpart 51-8.6—Exemptions [Reserved]

Subpart 51-8.7—Rules of Conduct for Disclosure of Information About an Individual

§ 51-8.701 Committee rules of conduct.

(a) Every Committee member and employee who is involved in the design, development, operation, or maintenance of a system of records, or who has access to a system of records, shall familiarize himself with the requirements of the Privacy Act of 1974 (5 U.S.C. 552a) and the Committee regulations and orders issued thereunder and apply these requirements to all systems of records.

(b) No Committee member or employee shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of the individual to whom the record pertains, unless the disclosure would be to a recipient specified in paragraph (c) of

this section. The term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph. The term "system of records" means a group of any records under the control of the Committee from which information is retrieved by the name of the individual or by some identifying number symbol, or other identifying particular assigned to the individual. The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected. The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence. The term "agency" is defined in 5 U.S.C. 552a(e).

(c) An employee may disclose any record which is contained in a system of records, without a written request by and without the prior written consent of the individual to whom the record pertains, if the disclosure would be:

(1) To those Committee members and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

(2) Required under section 552a of Title 5 U.S.C.;

(3) For a routine use as described in paragraph (b) of this section;

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13 U.S.C.;

(5) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or

reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

(d) No Committee member or employee shall maintain a record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity.

(e) No Committee member or employee shall sell or rent an individual's name and address unless such action is specifically authorized by law.

(f) A Committee member or employee, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by paragraph a of this section or by any other rules or regulations established under the Privacy Act of 1974, and who (1) knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, or (2) willfully maintains a system of records without meeting the notice requirements of the Privacy Act of 1974, or (3) knowingly and willfully requests or obtains any record concerning an individual from any agency under false pretenses, is subject to criminal penalties and administrative sanctions. Any Committee member or employee who (i) makes a determination not to amend an individual's record in accordance with the Privacy Act of 1974, or (ii) refuses to comply with an individual's request to gain access to review, and obtain a copy of any information pertaining to him, or (iii) fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or opportunities or of benefits to the individual that may be made on the basis of such record, and consequently a determination is made which is adverse to the individual, or (iv) fails to comply with any provision of the Privacy Act of 1974 or any Committee regulation implementing it, subjects the Committee to civil penalties and himself to administrative sanctions.

COMMODITY FUTURES TRADING COMMISSION

Content of System Notices

Each system notice contains the following information:

1. The name of the system;
2. The location of the system;
3. The categories of individuals on whom records are maintained in the system;
4. The categories of records maintained in the system;
5. The authority for maintaining the system;
6. Each routine use of the records contained in the system, including the categories of users and the purpose of each use;
7. The policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;
8. The title and business address of the agency official who is responsible for the system of records;
9. The agency procedures by which an individual can find out whether the system of records contains a record pertaining to that individual; and how to gain access to any record contained in the system of records pertaining to that individual, as well as how to contest the content of the records; and
10. The categories of sources of records in the system. (See Note 1 below.)

The Location of Systems of Records

The eighth item described above calls for the address of the Commission office involved. The Commission maintains offices in the following locations:

- 2033 K Street, NW, Washington, D.C. 20581; telephone (202) 254-3382
- 2000 L Street, NW, Washington, D.C.; telephone (202) 254-5006
- 233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606; telephone (312) 353-9499
- 4901 Main Street, Room 208, Kansas City, Missouri 64112; telephone (816) 374-2994
- One World Trade Center, Suite 4747, New York, New York 10004; telephone (212) 466-2071
- 10850 Wilshire Boulevard, Suite 510, Los Angeles, California 90024; telephone (213) 824-7456
- 510 Grain Exchange Building, Minneapolis, Minnesota 55415; telephone (612) 725-2025

Where multiple locations are involved in a system notice, the notice merely identifies the offices and refers to this introductory section for each address. In the system notice, the Washington office is referred to as the "principal office," the Chicago, Kansas City, New York and Los Angeles offices as the "regional offices."

Records within a system will not always be available at each of the offices listed in the system notice. For example, case files are basically maintained in the office where the investigation is being conducted, but certain information may be maintained in other offices as well. Similarly, many but not necessarily all employee records are maintained in the particular office where the employee works. In addition, the Commission's computers are physically located in Chicago, North Carolina, and in the Washington, D.C., headquarters office, although information in computer printout form may be available in any office.

The Commission has undertaken the responsibility, unless otherwise specified in the system notice, to determine where the particular records being sought are located. However, if the individual seeking the records in fact knows the location, it would be helpful to the Commission if he would indicate that location.

Scope and Content of Systems of Records

The Privacy Act applies to personal information about individuals. Personal information subject to the provisions of the Privacy Act may sometimes be found in a system of records that might appear to relate solely to commercial matters. For example, the system of records entitled "registration of futures commission merchants" contains essentially business information. (See Note 2 below.) However, the application for registration contains a few items of personal information concerning key personnel of the registrant firm. Since the capability exists through the Commission's computer to retrieve information from this system of records not only by use of the name of the futures commission merchant but also by the use of the name of these individuals this information is within the purview of the Privacy Act (See Note 3 below).

Such a capability would generally not exist, however, in a Commission staff investigation of the activities of the futures commission merchant. Thus, if the investigation were opened under the name of the futures commission merchant, information would be retrievable only under that name. Accordingly, information about principals of a

firm under investigation would generally not be retrievable by the name of the individual, and the provisions of the Privacy Act would not apply.

General Statement of Routine Uses

A principal purpose of the Privacy Act is to restrict the unauthorized dissemination of personal information concerning an individual. In this connection, the Privacy Act and the Commission's rules prohibit all dissemination except for specific purposes. (See Note 4 below.)

The Privacy Act and the rules specifically provide that disclosure may be made with the written consent of the individual to whom the record pertains. Disclosure may also be made to those officers and employees of the Commission who need the record in the performance of their duties. In addition, disclosures are authorized if they are made pursuant to the terms of the Freedom of Information Act, 5 U.S.C. 552.

In addition, the Privacy Act and the Commission's rules permit disclosure of individual records if it is for a "routine use," which is defined as a use of a record which is compatible with the purpose for which it was collected. The system notice for each system of records is required to list each of these routine uses.

Many of the routine uses of Commission records are applicable to a number of systems. These include the following:

1. The information in the system may be used by the Commission in any administrative proceeding before the Commission, in any injunctive action authorized under the Commodity Exchange Act or in any other action or proceeding in which the Commission or any member of the Commission or its staff participates as a party or the Commission participates as *amicus curiae*, and may be disclosed in response to a subpoena issued in the course of a proceeding to which the Commission is not a party.

2. The information may be given to the Justice Department, the Securities and Exchange Commission, the United States Postal Service, the Internal Revenue Service, the Department of Agriculture, the Office of Personnel Management, and to other federal, state or local law enforcement or regulatory agencies for use in meeting responsibilities assigned to them under the law, or made available to any member of Congress who is acting in his capacity as a member of Congress.

3. The information may be given to any board of trade designated as a contract market by the Commission or to any futures association registered with the Commission, if the Commission has reason to believe this will assist the contract market or registered futures association in carrying out its responsibilities under the Commodity Exchange Act, 7 U.S.C. 1 et seq., and may be given to any national securities exchange or national securities association registered with the Securities and Exchange Commission, to assist those organizations in carrying out their self-regulatory responsibilities under the Securities Exchange Act of 1934, 15 U.S.C. 78a et seq.

4. At the discretion of the Commission staff, the information may be given or shown to anyone during the course of a Commission investigation if the staff has reason to believe that the person to whom it is disclosed may have further information about the matters discussed therein, and those matters appear relevant to the subject of the investigation.

5. The information may be included in a public report issued by the Commission following an investigation, to the extent that this is authorized under Section 8 of the Commodity Exchange Act, 7 U.S.C. 12; Section 8 authorizes publication of such reports but contains restrictions on the publication of certain types of sensitive business information developed during an investigation. In certain contexts some of this information might be considered personal in nature.

6. The information may be disclosed to a federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, a grant or other benefit by the requesting agency, to the extent that the information may be relevant to the requesting agency's decision on the matter.

7. The information may be disclosed to a prospective employer in response to its request in connection with the hiring or retention of an employee, to the extent that the information is believed to be relevant to the prospective employer's decision in the matter.

8. The information may be disclosed to any person, pursuant to Section 12(a) of the Commodity Exchange Act, 7 U.S.C. 16(a), when disclosure will further the policies of that Act or of other provisions of law. Section 12(a) authorizes the Commission to cooperate with various other government authorities or with "any person."

To avoid unnecessary repetition of these routine uses, where they are generally applicable the system notice refers the reader to the above description. Unless otherwise indicated, where the system

notice contains a reference to the foregoing routine uses, all of the eight routine uses listed above apply to that system.

System Notices

The Commission's systems of records are set forth below.

Note 1: Two systems of records, one relating to investigatory material compiled for law enforcement purposes and the other relating to confidential information obtained during employee background investigations, have been exempted in the Commission's rules from certain requirements of the Privacy Act, as authorized under the Privacy Act, 5 U.S.C. 552a(k). Among the requirements from which these systems have been exempted is the requirement that the information listed under items (9) and (10) above be furnished.

Note 2: A futures commission merchant is someone engaged in soliciting or accepting orders for the purchase or sale of commodity futures in the manner defined in Section 2(a)(1) of the Commodity Exchange Act, 7 U.S.C. 2.

Note 3: See the definition of system of records in the Privacy Act, 5 U.S.C. 552a(5), and section 146.2(g) of the Commission's Privacy Act rules, 17 CFR 146.2(g).

Note 4: Individuals should refer to the full text of the Privacy Act, 5 U.S.C. 552a(b), and to the Commission's rules for a complete list of authorized disclosures. Only those arising most frequently have been mentioned herein.

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CFTC-1

System name:

Matter Register and Matter Indices.

System location:

Commission's principal and regional offices. See introduction, "The Location of Systems of Records."

Categories of individuals covered by the system:

a. Persons found or alleged to have, or suspected of having violated the Commodity Exchange Act or the rules and regulations or orders of the Commission adopted thereunder.

b. Persons lodging complaints with the Commission.

c. Agency referrals.

Categories of records in the system:

An index system to CFTC-14 Matter Files and CFTC-16 Case Files, including:

a. The matter register. A file number is assigned to each case and the record is filed according to that number. The register also indicates the date opened, the disposition and status, the date closed, and the staff member assigned.

b. The matter register also includes reports recommending opening and closing of investigations.

Authority for the maintenance of the system:

Section 8 of the Commodity Exchange Act, 7 U.S.C. 12.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See introduction, "General Statement of Routine Uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders, in looseleaf binders, or on index cards.

Retrievability:

By name of investigation.

Safeguards:

Secured rooms or secured premises with access limited to those whose official duties require access. In appropriate cases the records are maintained in lockable file cabinets.

Retention and disposal:

Destroyed when no longer needed.

System manager(s) and address:

Director, Division of Enforcement in the Commission's principal office and Regional Counsel of each regional office. See introduction, "The Location of Systems of Records."

Notification procedure:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581. Telephone (202) 254-3382.

Record source categories:

Persons submitting complaints to the Commission, and miscellaneous sources including customers, law enforcement and regulatory agencies, commodity exchanges, trade sources, and Commission staff generated items.

CFTC-2

System name:

Correspondence Files.

System location:

Commission's principal offices at 2033 K Street, NW, Washington, D.C. 20581.

Categories of individuals covered by the system:

Persons corresponding with the Commission, directly or through their representatives. Persons discussed in correspondence to or from the Commission.

Categories of records in the system:

Incoming and outgoing correspondence and indices of correspondence, and certain internal reports and memoranda related to the correspondence.

This system includes only those records which are part of a general correspondence file maintained by the office involved. It includes correspondence indexed by subject matter, date or assigned number unless there is a corresponding index capability by individual name.

Authority for maintenance of the system:

44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See introduction, "General Statement of Routine Uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders, in looseleaf binders, or on index cards.

Retrievability:

By name, subject and case. This may be either the name of the person who sent or received the letter, or the person on whose behalf the letter was sent or received. It may also be another person who was the principal subject of the letter, where circumstances

appear to justify this treatment. See previous discussion concerning the category of records maintained in this system.

Safeguards:

Secured rooms or on secured premises with access limited to those whose official duties require access.

Retention and disposal:

Maintained indefinitely depending on the policies and practices of the offices involved.

System manager(s) and address:

The General Counsel; Director, Office of Public Information; Director, Division of Enforcement; and the Office of the Secretariat. All are located at 2033 K Street, NW, Washington, D.C. 20581.

Notification procedure:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581. Telephone (202) 254-3382. Specify the system manager, if known.

Record source categories:

Persons corresponding with the Commission and correspondence and memoranda prepared by the Commission.

CFTC-3

System name:

Docket Files.

System location:

Hearing Clerk's office, 2000 L Street, NW, Suite 620, Washington, D.C. 20036.

Categories of individuals covered by the system:

All persons involved in any CFTC proceeding.

Categories of records in the system:

All pleadings, motions, applications, stipulations, affidavits, transcripts and documents introduced as evidence, briefs, orders, findings, opinions, and other matters which are part of the record of an administrative proceeding. They also include related correspondence and indices.

Authority for maintenance of the system:

The Commission is authorized or required to conduct hearings under several provisions of the Commodity Exchange Act. These files are a necessary concomitant for the conduct of orderly hearings. See also 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Public records unless the Commission or assigned presiding officer determines for good cause to treat as non-public consistent with the provisions of the Freedom of Information Act. Non-public portions may be used for any purpose specifically authorized by the presiding officer who ordered non-public treatment or by the Commission.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

By the docket number and cross-indexed by complainant and respondent names.

Safeguards:

Only items which the Commission or the presiding officer has directed be kept non-public are segregated and precautions are taken as to these items to assure that access is restricted to authorized personnel only.

Retention and disposal:

Maintained in the Hearings Section until disposition by the presiding officer, and then forwarded to the Hearings Clerk's office for filing.

System manager(s) and address:

Hearing Clerk, Hearing Clerk's office, 2033 K Street, NW, Washington, D.C. 20581.

Notification procedure:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records, or contesting the content

of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581. Telephone (202) 254-3382.

Record source categories:

Commission staff members; opposing parties and their attorneys; proceeding witnesses; and miscellaneous sources.

CFTC-4

System name:

Employee Leave, Time and Attendance.

System location:

Commission's principal office, 2033 K Street, NW, Washington, D.C. 20581.

Categories of individuals covered by the system:

All CFTC employees.

Categories of records in the system:

Various records reflecting CFTC employees time and attendance and leave status.

Authority for maintenance of the system:

5 U.S.C. 6301-6323; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

a. In response to legitimate requests, this information may be provided to other federal agencies for the purpose of hiring or retaining employees, and may be provided to other prospective employers, to the extent that the information is relevant to the prospective employer's decision in the matter.

b. The information may be provided to the Justice Department or other federal agencies or used by the Commission in connection with any investigation, or administrative or legal proceeding involving any violation of any federal law or regulation thereunder.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders or on index cards.

Retrievability:

By the name of the employee or by the employee number, cross-indexed by name.

Safeguards:

Locked cabinets.

Retention and disposal:

Three years, then destroyed.

System manager(s) and address:

Budget and Accounting Officer, 2033 K Street, NW, Washington, D.C. 20581.

Notification procedure:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C., 20581. Telephone (202) 254-3382.

Record source categories:

The individual on whom the record is maintained.

CFTC-5

System name:

Employee Personnel Records.

System location:

Personnel Section at 2033 K Street, NW, Washington, D.C. 20581.

Categories of individuals covered by the system:

All CFTC employees.

Categories of records in the system:

The records maintained in the principal office for all employees include: a. Forms required and records maintained under the Commission's rules of conduct and the Ethics in Government Act; b. Pre-employment inquiries not included with "exempted employee background investigation materials"; c. Various summary materials re-

ceived in computer printout form; d. Card indices reflecting various information contained in other personnel records.

The official personnel records maintained by the Commission are described in the system notices published by the Office of Personnel Management, and are not included within this system.

Authority for maintenance of the system:

44 U.S.C. 3101, 5 U.S.C. APP.
(Personnel Financial Disclosure Requirements).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

a. In response to legitimate requests, this information may be provided to other federal agencies for the purpose of hiring or retaining employees, and may be provided to other prospective employers, to the extent that the information is relevant to the prospective employer's decision in the matter.

b. The information may be provided to the Justice Department, the Office of Personnel Management or other federal agencies or used by the Commission in connection with any investigation, or administrative or legal proceeding involving any violation of federal law or regulation thereunder.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders and on index cards.

Retrievability:

By the name of the employee.

Safeguards:

Lockable cabinets.

Retention and disposal:

Maintained in the current file until the employee is terminated or separated, retained for 2 years thereafter, and then destroyed, except for those maintained under the Commission's rules of conduct and the Ethics in Government Act which are maintained until no longer needed or required under applicable law and regulation.

System manager(s) and address:

Personnel Officer of the Commission, except for records maintained under the Commission's rules of conduct and the Ethics in Government Act, for which the General Counsel is the system manager. See introduction, "The Location of Systems of Records."

Notification procedure:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOE, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C., 20581. Telephone (202) 254-3382.

Record source categories:

Individual on whom the record is maintained; personnel office records; and miscellaneous sources.

CFTC-6

System name:

Employee Travel Records.

System location:

Commission's principal office, 2033 K Street, NW, Washington, D.C. 20581.

Categories of individuals covered by the system:

Any Commission member, employee, witness, expert or any member of an Advisory Committee who travels on official business for the Commission.

Categories of records in the system:

Contains the name, address, destination, itinerary, mode and purpose of travel, dates, expenses, amounts advanced, amounts claimed, and amounts reimbursed. Includes travel authorizations, travel vouchers, copies of government transportation requests, receipts and other records.

Authority for maintenance of the system:

31 U.S.C. 1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The information may be provided to the Justice Department or other federal agencies or used by the Commission in connection with any investigation, or administrative or legal proceeding involving any violation of federal law or regulation thereunder.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

By the name of the member, employee, witness, expert and member of the Advisory Committee.

Safeguards:

Lockable cabinets.

Retention and disposal:

Three years and then destroyed.

System manager(s) and address:

Budget and Accounting Officer, 2033 K Street, NW, Washington, D.C. 20581.

Notification procedure:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581. Telephone (202) 254-3382.

Record source categories:

The individual on whom the record is maintained.

CFTC-7

System name:

Employee records maintained by the office of ADP Services.

System location:

Commission's principal office, 2033 K Street, NW, Washington, D.C. 20581.

Categories of individuals covered by the system:

All CFTC employees.

Categories of records in the system:

a. General records relating to the employee including information from the notification of personnel action (SF-50) and other related sources, employee name, social security or other employee number, birth date, veteran's preference, tenure, leave group, insurance coverage, retirement coverage, type of employment, date service commenced and ended, grade and step, base salary, duty station, various computation dates, leave codes and status, employing office and other miscellaneous information.

b. Payroll related information for CFTC employees, including payroll and leave data for each employee relating to rate and amount of pay, leave, and hours worked, and leave balances, tax and retirement deductions, life insurance and health insurance deductions, savings allotments, savings bond and charity deductions, mailing addresses and home addresses, including copies of the CFTC time and attendance reports as well as authorizations relating to deductions.

c. Travel vouchers and related material.

Authority for maintenance of the system:

44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information from these records is transmitted to the U.S. Treasury to effect reimbursement of travel expenses and issuance of paychecks, as well as distribution of pay to other sources according to employee instructions. Appropriate information from these records is also forwarded to taxing authorities and others receiving proceeds from the employee's pay.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders; magnetic disc.

Retrievability:

By social security number or equivalent employee number and by name of employee.

Safeguards:

Access limited to the offices where the records are maintained. Certain records are kept in lockable file cabinets and safes.

Retention and disposal:

Three years, then destroyed.

System manager(s) and address:

Director, Operations and Budget Section, 2033 K Street, NW, Washington, D.C. 20581.

Notification procedure:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581. Telephone (202) 254-3382.

Record source categories:

The individual on whom the record is maintained.

CFTC-8**System name:**

Employment Applications.

System location:

Personnel Section at 2033 K Street, NW, Washington, D.C. 20581.

Categories of individuals covered by the system:

Applicants for positions with the CFTC.

Categories of records in the system:

Contains the application form (SF-171) and/or the resume of the applicant.

Authority for maintenance of the system:

44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information about these records is used in making inquiries concerning the qualifications of the applicant.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Paper records in file folders.

Retrievability:

By occupational interest.

Safeguards:

Lockable cabinets.

Retention and disposal:

Two years, then destroyed.

System manager(s) and address:

Personnel Officer of the Commission, 2033 K Street, NW, Washington, D.C. 20581.

Notification procedure:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581. Telephone (202) 254-3382.

Record source categories:

The individual on whom the record is maintained.

CFTC-9**System name:**

Exempted Employee Background Investigation Material.

System location:

Personnel Section at 2033 K Street, NW, Washington, D.C. 20581.

Categories of individuals covered by the system:

Employees and prospective employees of CFTC.

Categories of records in the system:

Investigatory material compiled for the purpose of determining suitability, eligibility, or qualifications for CFTC employment obtained under an express promise that the identity of the source would be held in confidence, or which were obtained prior to September 28, 1975, under an implied promise of confidentiality.

Authority for maintenance of the system:

44 U.S.C. 3101; 5 U.S.C. 552a(k)(5).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See introduction, "General Statement of Routine Uses" except the general routine use number (3) is not applicable. Disclosure pursuant to the other routine uses may be subject to the consent of the person furnishing the information.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Paper records in file folders.

Retrievability:

By employee name.

Safeguards:

Lockable cabinets in secured offices or buildings.

Retention and disposal:

Three years, then destroyed.

System manager(s) and address:

Personnel Officer, 2033 K Street, NW, Washington, D.C. 20581.

Systems exempted from certain provisions of the act:

The records in this system have been exempted by the Commission from certain provisions of the Privacy Act, 5 U.S.C. 552a(k)(5), and the Commission's rules promulgated thereunder, 17 CFR 146.12. These records are exempt from the notification procedures, record access procedures, and record contest procedures set forth in the system notices of other record systems, and from the requirement that the sources of records in the system be described.

CFTC-10**System name:**

Exempted Investigation Records.

System location:

Commission's principal and regional offices. See introduction, "The Location of Systems of Records."

Categories of individuals covered by the system:

a. Individuals whom the staff has reason to believe have violated, are violating, or are about to violate the Commodity Exchange Act and the rules, regulations and orders promulgated thereunder.

b. Individuals whom the staff has reason to believe may have information concerning violations of the Commodity Exchange Act and the rules, regulations and orders promulgated thereunder.

c. Individuals involved in investigations authorized by the Commission concerning the activities of members of the Commission or its employees based upon formal complaint or otherwise.

d. Individuals filing applications with the Commission for their own registration or registration of a firm.

Categories of records in the system:

Investigatory materials compiled for law enforcement purposes whose disclosure the Commission staff has determined could impair the effectiveness and orderly conduct of the Commission's regulatory and enforcement program, or compromise Commission investigations; may include all or any part of the records developed during the investigation or inquiry.

Authority for maintenance of the system:

Section 8 of the Commodity Exchange Act, 7 U.S.C. 12; 44 U.S.C. 3101; 5 U.S.C. 552a(k)(2).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See introduction, "General Statement of Routine Uses" except that general routine use number (5) is not applicable.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Paper records in file folders.

Retrievability:

By assigned case number or case title. Cases filed by number are cross-indexed by case title.

Safeguards:

In addition to normal office and building security, certain of these records are maintained in locked file cabinets. All employees are aware of the sensitive nature of the information gathered during investigations.

Retention and disposal:

Maintained until exemption is no longer necessary, then returned to the appropriate non-exempt system.

System manager(s) and address:

Director, Division of Enforcement, except for those records maintained under the Commission's rules of conduct and the ethics in Government Act, for which the General Counsel is the system manager. See introduction "The Location of Systems of Records."

Systems exempted from certain provisions of the act:

The records in this system have been exempted by the Commission from certain provisions of the Privacy Act of 1974 pursuant to the terms of the Privacy Act, 5 U.S.C. 552a(k)(2) and the Commission's rules promulgated thereunder, 17 CFR 146.12. These records are exempt from the notification procedures, records access procedures, and record contest procedures set forth in the system notices of other record systems, and from the requirement that the sources of records in the system be described.

CFTC-11

Incorporated into CFTC-20.

CFTC-12

System name:

Fitness Investigations.

System location:

Records for floor brokers; associated persons of leverage transaction merchants where registration status as such was inactive prior to January 1, 1986; and also for all other categories where registration status in every applicable capacity was inactive prior to October 1, 1983: Division of Trading and Markets, 2033 K Street NW., Washington, DC 20581.

Records for futures commission merchants, introducing brokers, commodity pool operators, commodity trading advisors, their respective associated persons and principals, with active registration status in any capacity on or after October 1, 1983; leverage transaction merchants and their associated persons with active registration status as such on or after April 13, 1984, except as noted above; also limited records for floor brokers: National Futures Association (NFA), 200 West Madison Street, Suite 1400, Chicago, Illinois 60606.

(See also "Retention and Disposal," *infra*.)

Categories of individuals covered by the system:

Persons who have applied or who may apply to the Commission or NFA, as applicable, for registration as floor brokers or as associated persons, and principals (as defined in 17 CFR 3.1) of futures commission merchants, introducing brokers, commodity pool operators, commodity trading advisors and leverage transaction merchants.

Categories of records in the system:

Information pertaining to the fitness of the above-described individuals to engage in business subject to the Commission's jurisdiction. The system includes registration forms, schedules and supplements; fingerprint cards; correspondence relating to registration; and reports and memoranda reflecting information developed from various sources outside the CFTC or NFA. In addition, the system contains records of each CFTC or NFA fitness investigation.

Authority for maintenance of the system:

Sections 4f(1), 4k(4), 4k(5), 4n(1), 8a(1)-(5), 8a(10), 17(o) and 19 of the Commodity Exchange Act, 7 U.S.C. 6f(1) 6k(4), 6k(5), 6n(1), 12a(1)-(5), 12a(10), 21(o) and 23 (1982 & Supp. IV 1986).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The routine uses applicable to all of the Commission's systems of records, including this system, were set forth under the caption, "General Statement of Routine Uses," in 47 FR 43759, 43760-61 (October 4, 1982), and subsequently modified in 47 FR 44830, 44831 (October 12, 1982). In addition, information contained in this system of records may be disclosed by the Commission as follows:

1. Information contained in this system of records may be disclosed to any person with whom an applicant or registrant is or plans to be associated as an associated person or affiliated as a principal.

2. Information contained in this system of records may be disclosed to any registered futures commission merchants with whom an applicant or registered introducing broker has or plans to enter into a guarantee agreement in accordance with Commission regulation 1.10 (17 CFR 1.10).

NFA may disclose information contained in those portions of this system of records maintained by NFA, but any such disclosure must be made in accordance with Commission-approved NFA rules and under circumstances authorized by the Commission as consistent with the Commission's regulations and routine uses. The currently authorized circumstances are set forth in the Commission's September 28, 1984 Order authorizing NFA to perform certain Commission registration functions including the maintenance of Commission records and are published at 49 FR 39593, 39596 (October 9, 1984), except that Item 2b therein was modified to eliminate the require-

ment of specific consent by the applicant or registered introducing broker to the disclosure of information to the futures commission merchant with whom it has or plans to enter a guarantee agreement. 51 FR 25930, 25931 (July 17, 1986).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders, computer memory, computer print-outs, index cards, microfiche.

Retrievability:

By the name of the individual or firm, or by assigned identification number. Where applicable, the NFA's computer cross-indexes the individual's file to the name of the futures commission merchant, introducing broker, commodity trading advisor, commodity pool operator or leverage transaction merchant with which the individual is associated or affiliated.

Safeguards:

General office security measures including secured rooms or premises and, in appropriate cases, lockable file cabinets with access limited to persons whose official duties require access.

Retention and disposal:

Applications, biographical supplements, other forms, related documents and correspondence are maintained on the CFTC's or NFA's premises, as applicable, for three years after the individual's registration(s), or that of the firm(s) with which the individual is associated as an associated person or affiliated as a principal, becomes inactive. Records are then stored at an appropriate site for an additional seven years before being destroyed; CFTC-held records are stored in the Federal Records Center, and NFA-held records are to be stored either on NFA's premises or in appropriate fireproof off-site facilities.

Computer records are maintained permanently on the NFA's premises and are updated periodically as long as the individual remains pending for registration, registered in any capacity, or affiliated with any registrant as a principal. Computer records on persons who may apply may be maintained indefinitely. Microfiche records, when produced, are maintained permanently on the CFTC's or NFA's premises.

System manager(s) and address:

Assistant Director, Registration Unit, Division of Trading and Markets, at the Commission's principal office, or his designee.

For records held by NFA: Vice President for Registration or the Records Custodian, National Futures Association, 200 West Madison Street, Suite 1400, Chicago, Illinois 60606, or a designee.

Notification procedure:

Individuals seeking to determine whether this system of records contains information about themselves, seeking access to records about themselves in this system of records, or contesting the content of records about themselves, should address written inquiries to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581; telephone (202) 254-3382.

Record source categories:

The individual or firm on whom the record is maintained; the individual's employer; federal, state and local regulatory and law enforcement agencies; commodities and securities exchanges, National Futures Association and National Association of Securities Dealers; and other miscellaneous sources. Computer records are prepared from the forms, supplements, attachments and related documents submitted to the Commission or NFA and from information developed during the fitness inquiry.

CFTC-13

System name:

Interpretation Files.

System location:

Office of the General Counsel and Office of Public Information, 2033 K Street, NW, Washington, D.C. 20581.

Categories of individuals covered by the system:

Persons who have requested the Office of the General Counsel to provide them with its interpretation of provisions of the Commodity Exchange Act or various rules and regulations adopted by the Commission. The requests may have been made directly by the individual, or through the individual's attorney or other representative.

Categories of records in the system:

Interpretation letters furnished, the request for an interpretation, and any related internal memoranda and supporting documents.

Authority for maintenance of the system:

Section 2(a)(4) of the Commodity Exchange Act, 7 U.S.C. 4a(c); 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

a. Interpretation letters and the related requests for interpretation which discuss matters of general applicability may be made public and may be published by the Commission, or the Commission may otherwise make information public concerning matters raised therein. However, portions of such letters or information will be deleted or omitted to the extent necessary to prevent a clearly unwarranted invasion of personal privacy or to the extent they otherwise contain material considered nonpublic under the Freedom of Information Act and the Commission's rules implementing that Act.

b. Information in these files may be used as a reference in responding to later inquiries from the same party or in following up on earlier correspondence involving the same person.

c. Also see introduction, "General Statement of Routine Uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

By futures commission merchant, floor broker, commodity pool operator, commodity trading advisor or associated person name if the request is made by them or on their behalf. If it is made on behalf of another individual it will be filed by the name of the individual. If the identity of these persons is not known, the record will be maintained in the name of the attorney or other representative filing the request.

Safeguards:

Access limited to the offices where the records are maintained.

Retention and disposal:

Maintain permanently (on premises for 5 years, then transferred to the Federal Records Center). After 20 years, offered to the National Archives and Records Administration.

System manager(s) and address:

The General Counsel, and the Director, Office of Public Information in the Commission's principal office. See introduction, "The Location of Systems of Records."

Notification procedure:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C., 20581. Telephone (202) 254-3382.

Record source categories:

Persons corresponding with the Commission and correspondence and memoranda prepared by the Commission.

CFTC-14

System name:

Matter Files.

System location:

Commission's principal and regional offices. Pending investigations files may be located in whatever office is conducting the investigation. See introduction, "The Location of Systems of Records."

Categories of individuals covered by the system:

a. Individuals whom the staff has reason to believe have violated, are violating, or are about to violate the Commodity Exchange Act and the rules, regulations, and orders promulgated thereunder, or the rules and regulations of any board of trade designated as a contract market.

b. Individuals whom the staff has reason to believe may have information concerning violations of the Commodity Exchange Act and the rules, regulations, and orders promulgated thereunder, or the rules and regulations of any board of trade designated as a contract market.

c. Individuals involved in investigations authorized by the Commission concerning the activities of members of the Commission or its employees based upon formal complaint or otherwise.

d. Individuals filing an application for registration as associated person or floor broker Form 8-R (biographical information questionnaire) in connection with an application for registration with the Commission.

Categories of records in the system:

Anything obtained during the course of an investigation including data from Commission reporting forms, account statements, and other trading records, exchange records, bank records, and credit information, business records, reports of interviews, transcripts of testimony, exhibits to transcripts, affidavits, statements by witnesses, contracts and agreements. Also contains internal memoranda, reports of investigation, subpoenas, warning letters, stipulations of compliance, correspondence and other miscellaneous matters. The nature of the personal information contained in these files varies according to what is considered relevant by the attorney assigned based on the circumstances of the particular case under investigation, and may include personal background information about the individual involved, his education and employment history, information on prior violations, and a wide variety of financial information, as well as a detailed examination of the individual's activities during the period in question.

Authority for maintenance of the system:

Section 8 of the Commodity Exchange Act, 7 U.S.C. 12; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See introduction, "General Statement of Routine Uses." Information concerning traders and their activities may be disclosed and made public by the Commission to the extent permitted by law when deemed appropriate to further the practices and policies of the Commodity Exchange Act. Information collected during an investigation may be included in a public report issued by the Commission following an investigation, to the extent that this is authorized under Section 8 of the Commodity Exchange Act, 7 U.S.C. 12.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

By assigned case number or case title. Matter cases are filed by number and cross-indexed by matter title.

Safeguards:

In addition to normal office and building security, certain of these records are maintained in locked file cabinets. All employees are aware of the sensitive nature of the information gathered during investigations.

Retention and disposal:

Regional office records are maintained on the premises for 5 years, then sent to the Federal Records Center for 5 years, before being destroyed. The records in the Office of the General Counsel are generally maintained until the investigation is closed and any action arising therefrom has been completed, including all review at the appellate level. Thereafter, certain basic information may be retained and sent to the Federal Records Center, while the remaining information is either returned to the person from whom it was obtained or destroyed.

System manager(s) and address:

Director, Division of Enforcement in the Commission's principal office. Regional Counsel of the region where the investigation is being conducted. See introduction, "The Location of Systems of Records."

Notification procedure:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C., 20581. Telephone (202) 254-3382.

Record source categories:

a. Reporting forms and other information filed with the Commission; b. boards of trade; c. futures commission merchants, commodity trading advisors, commodity pool operators, floor brokers; d. federal, state and local regulatory and law enforcement agencies; e. banks, credit organizations and other institutions; f. corporations; g. individ-

uals having knowledge of the facts; h. attorneys; i. publications; j. courts; and k. miscellaneous sources.

CFTC-15

System name:

Large Trader Report Files.

System location:

Copies of original reports and related correspondence in CFTC office where filed. See further description below. Ancillary records and information (computer printout) may be located in any CFTC office. See introduction, "The Location of Systems of Records."

Categories of individuals covered by the system:

Individuals holding reportable positions.

Categories of records in the system:

1. Reports filed by the individual holding the reportable position:
a. Statements of Reporting Trader (CFTC Form 40). Contains information described in Part 18 of the Commission's rules and regulations, including the name, address, number, and principal occupation of the reporting trader, financial interest in and control of commodity futures accounts, and information about the traders business associations;

b. Large trader reporting form (Series 03 Form). Contains information described in Part 18 of the Commission's rules and regulations, including the traders identifying number, previous open contracts, trades and deliveries that day, open contracts at the end of the day, and classification as to speculation or hedging;

c. Large trader reporting form (Series 04 Form). Contains information described in Part 19 of the Commission's rules and regulations, to be filed by merchants, processors and dealers in commodities which have federally imposed speculative position limits. Includes trader's identifying number, stocks owned, fixed price sale and purchase commitments. These reports are filed in the CFTC office in the city where the reporting trader is located. If there is no CFTC office in that city, the reports are filed according to specific instructions of the CFTC.

2. Reports to be filed by futures commission merchants, members of contract markets, foreign brokers and for large option traders by contract markets.

a. Identification of "Special Accounts" (CFTC Form 102). Contains material described in Part 17 of the Commission's rules and regulations. Includes the name, address, and occupation of a customer whose accounts have reached the reporting level.

Also includes the account number which the futures commission merchants uses to identify this customer on the firm's 01 report (see next paragraph), and whether the customer has control of or financial interest in accounts of other traders.

b. Large trader reporting form (Series 01 Form). Contains material described in Part 17 of the Commission's rules and regulations, for each "special account." Shows customer account number, reportable position held in each commodity future and information concerning deliveries and exchanges of futures for physicals by persons with reportable positions. These reports are filed in the CFTC office in the city where the contract market involved is located. If there is no CFTC office in that city, they are filed in the office where the CFTC instructs that they be filed.

3. Computer records prepared from information on the forms described in items (1) and (2) above. The computer system is located in Chicago and North Carolina. Printouts may be located in some or all of the Commission's offices.

4. Correspondence and memoranda of telephone conversations between the Commission and the individual or between the Commission and other agencies dealing with matters of official business concerning the individual.

5. Other miscellaneous information, including intra-agency correspondence and memoranda concerning the individual and documents relating to official actions taken by the Commission against the individual.

6. Reports from contract markets concerning futures and options:

(a) Positions and Transactions of Clearing Member Firms. Information is provided in machine readable form and contains the data prescribed in Section 16, of the Commission's regulations. The information includes an identification number for each clearing member, open contracts at the firm for proprietary and customer accounts and transactions such as trades, exchanges of futures for cash, delivery notices issued and received, and transfers and option exercises. The information filed in the city where the exchange is located or as instructed by the Commission. Data is transmitted to the CFTC computer system and printouts are available at all CFTC offices.

(b) Large Option Trader Data. Information is provided in machine readable form and contains the data prescribed in Commission Rule 16.02. Shows customer account number and reportable options posi-

tions as specified in Rule 16.02. Machine readable media is delivered to the Commission office in which the contract market is located or as instructed by the Commission. The data is transmitted to the CFTC computer system and printouts of the data are available in each Commission office.

Authority for maintenance of the system:

Sections 4g, 4i, and 8 of the Commodity Exchange Act, 7 U.S.C. 6g, 6i, and 12.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information concerning traders and their activities may be disclosed and made public by the Commission to the extent permitted by law when deemed appropriate to further the practices and policies of the Commodity Exchange Act. Also see introduction, "General Statement of Routine Uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders, computer memory, and computer printout.

Retrievability:

Form 40, Form 102, correspondence and other miscellaneous information are maintained directly under the name of the reporting trader. The Series 01, 03, and 04 forms are maintained by identifying code number. However, information from these forms is included in the computer and retrievable by individual name from the computer.

Safeguards:

General office security measures, with recent trading reports stored in lockable file cabinets. Access is limited to those whose official duties require access.

Retention and disposal:

CFTC Form 40, CFTC Form 102, correspondence, memoranda, etc. are retained on the premises until the account has been inactive for 10 years and then destroyed. Form 01, 03 and 04 reports are maintained for 2 years on the premises and then held at the Federal Records Center for 3 years before being destroyed. The computer file is maintained for 10 years for Form 01, 03, 04 reports and large trader options data reported by contract markets. Clearing member positions and transactions are maintained for five years. Trader code numbers and related information are maintained for ten years after a trader becomes nonreportable. Account numbers assigned by an FCM are maintained on the system for five years after the account is no longer reported.

System manager(s) and address:

Chief, Surveillance Branch, in the region where the records are located. See introduction, "The Location of Systems of Records."

Notification procedure:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C., 20581. Telephone (202) 254-3382. Include code number assigned by the Commission for filing reports, the name of the futures commission merchant through whom traded, and the time period for which information is sought.

Record source categories:

The individual on whom the record is maintained and futures commission merchants through whom the individual trades. Correspondence and memoranda prepared by the Commission or its staff. Correspondence from firms, agencies, or individuals requested to provide information on the individual.

CFTC-16

System name:

Case Files.

System location:

Commission's principal and regional offices. Pending litigation files may be located in other participating offices. See introduction, "The Location of Systems of Records."

Categories of individuals covered by the system:

Persons or firms against whom the Commission has taken enforcement action based on violations of the Commodity Exchange Act or the rules and regulations promulgated thereunder.

Categories of records in the system:

Copies of various papers filed by or with the Commission or the courts in connection with administrative proceedings or injunctive actions brought by the Commission. It includes, as a minimum, a copy of the complaint and the final decision and order, and may contain other documents as well.

Authority for maintenance of the system:

These files are necessary for the orderly and effective conduct of litigation authorized under the Commodity Exchange Act and other federal statutes. See e.g., Section 6c of the Commodity Exchange Act, 7 U.S.C. 13a-1, authorizing injunctive actions, and various provisions in that Act authorizing administrative actions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The information in these files is generally a matter of public record and may be disclosed without restriction. Also see introduction, "General Statement of Routine Uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders or binders.

Retrievability:

By case title.

Safeguards:

General office security measures including secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal:

Maintained indefinitely, although after action is complete usually reduced to only the complaint, final decision, and order.

System manager(s) and address:

Director, Division of Enforcement at the Commission's principal office and Regional Counsel for the region where the records are located. See introduction, "The Location of Systems of Records."

Notification procedure:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581. Telephone (202) 254-3382.

Record source categories:

The parties, their attorneys, the Commission's Hearings Section, the relevant court, and miscellaneous sources.

CFTC-17

System name:

Litigation Files—OGC.

System location:

Office of the General Counsel at 2033 K Street, NW, Washington, D.C. 20581.

Categories of individuals covered by the system:

Parties involved in litigation with the Commission or litigation in which the Commission has an interest including, but not limited to:

- Administrative proceedings before the Commission;
- Injunctive actions brought by the Commission;
- Other federal court cases to which the Commission is a party;
- Litigation in which the Commission is participating as amicus curiae;
- Other cases involving issues of concern to the Commission, including those brought by other law enforcement and regulatory agencies and those brought by private parties.

Categories of records in the system:

Papers comprising or included in the record of the case, and briefs and correspondence related to that action. May also include internal memoranda and other documents pertaining to the matter being litigated.

Authority for maintenance of the system:

The Commodity Exchange Act, 7 U.S.C. 1 et seq., entrusts the Commission with broad regulatory responsibilities over commodity futures transactions. In this connection, the Commission is authorized to bring both administrative proceedings and injunctive actions where there appear to have been violations of the Act. Furthermore, to effectuate the purposes of the Act, it is necessary that the Commission staff be familiar with developments in others actions brought by other which have implications in the commodity law areas.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The information in these files is generally a matter of public record and may be disclosed without restriction. Also see introduction, "General Statement of Routine Uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Alphabetically by caption of the case.

Safeguards:

General office security measures including secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal:

Maintained in the active files until the action is completed, including final review at the appellate level. Thereafter, transferred to the inactive case files, where a skeletal record of pleadings, briefs, findings and opinions and other particularly relevant papers may be maintained. These records are maintained on premises for five years, then transferred to the Federal Records Center. Other materials are generally destroyed except insofar as a copy of some of the documents may be kept in precedent files for use in later legal research or preparation of filings in other matters.

System manager(s) and address:

General Counsel, 2033 K Street, NW, Washington, D.C. 20581.

Notification procedure:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581. Telephone (202) 254-3382.

Record source categories:

The court or regulatory authority before whom the action is pending, the attorneys for one of the named parties, and miscellaneous sources.

CFTC-18

System name:

Logbook on Speculative Limit Violations.

System location:

Commission's Chicago and New York regional offices. See introduction, "The Location of Systems of Records."

Categories of individuals covered by the system:

Individuals who have exceeded speculative limits in a particular fiscal year.

Categories of records in the system:

A listing, by year, of the violations of speculative limits imposed by the Commission and the exchanges. It includes the trader's assigned code number, the commodity involved, the name of the trader, the type of violation, the date of violation, the date the violation ceased, and the action taken. Copies of warning letters and replies pertaining to the violations listed are maintained with the logbook.

Authority for maintenance of the system:

Section 4i and 8 of the Commodity Exchange Act, 7 U.S.C. 6i and 12.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See introduction, "General Statement of Routine Uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

By fiscal year, and within each year by the name of the violator.

Safeguards:

General office security measures including secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal:

Maintained on the premises for 5 years, then held in Federal Records Center for 15 years before being destroyed.

System manager(s) and address:

Chief, Surveillance Branch, 233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606; Chief, Surveillance Branch, One World Trade Center, Suite 4747, New York 10048.

Notification procedure:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C., 20581. Telephone (202) 254-3382.

Record source categories:

Series 03 reports filed by traders. Correspondence prepared by the Commission or by the individual or individual's representative.

CFTC-19

System name:

Petitions and Rulings.

System location:

Complaints Section, Hearing Clerk's office, at 2000 L Street, NW, Washington, D.C. 20036.

Categories of individuals covered by the system:

All persons named in an Application for Institution of a Proceeding before the CFTC or its predecessors.

Categories of records in the system:

The application and supporting documentation of the person submitting the application.

Authority for maintenance of the system:

These records are ancillary to the Commission's authority to institute administrative proceedings. See also 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See introduction, "General Statement of Routine Uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

By number and application caption. Generally, the caption will be the name of complainant and name of a firm, organization, or person against whom the applicant complains.

Safeguards:

Access limited to the office where the record is maintained.

Retention and disposal:

Retained indefinitely.

System manager(s) and address:

Hearing Clerk, Hearing Clerk's office, 2033 K Street, NW, Washington, D.C. 20581.

Notification procedure:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581. Telephone (202) 254-3382.

Record source categories:

Persons submitting an Application for Institution of a proceeding.

CFTC-20

System name:

Registration of Floor Brokers, Futures Commission Merchants, Introducing Brokers, Commodity Trading Advisors, Commodity Pool Operators, Leverage Transaction Merchants, and Associated Persons.

System location:

National Futures Association (NFA), 200 West Madison Street, Suite 1400, Chicago, Illinois 60606. If registration status as an associated person of a leverage transaction merchant was inactive prior to

January 1, 1986, or if registration status in every other applicable capacity was inactive prior to October 1, 1983: Division of Trading and Markets (see "Retention and Disposal," infra).

Categories of individuals covered by the system:

Persons who have applied to the CFTC or NFA, as applicable, for registration as floor brokers or as associated persons, and principals (as defined in 17 CFR 3.1) of futures commission merchants, introducing brokers, commodity trading advisors, commodity pool operators, and leverage transaction merchants.

Categories of records in the system:

Information pertaining to the registration and fitness of the above-described individuals to engage in business subject to the Commission's jurisdiction. The system includes registration forms, schedules and supplements; fingerprint cards; correspondence relating to registration; and reports and memoranda reflecting information developed from various sources outside the CFTC or NFA.

Computerized systems, consisting primarily of information taken from the registration forms, are maintained by the NFA. Computer records include the name, date and place of birth, social security number (optional), exchange trading privileges (floor brokers only), firm affiliation, and the residence or business address, or both, of each associated person, floor broker, and principal. Computer records also include information relating to name, trade name, principal office address, records address, names of principals and branch managers of futures commission merchants, introducing brokers, commodity pool operators, commodity trading advisors, and leverage transaction merchants; names of advisory services for commodity trading advisors; and names of pools for commodity pool operators.

Directories and microfiche records, when produced, list the name, business address, and exchange membership affiliation of all registered floor brokers and the name and firm affiliation of all associated persons and principals. These directories and microfiche records, as well as registration forms and biographical supplements, except for any confidential information on supplementary attachments to the forms, are publicly available to any person for disclosure, inspection and copying. Auxiliary records, such as card indices which summarize information contained in this system regarding each associated person, floor broker and principal, may also be maintained.

Authority for maintenance of the system:

Sections 4f(1), 4k(4), 4k(5), 4n(1), 8a(1), 8a(5), 8a(10) and 19 of the Commodity Exchange Act, 7 U.S.C. 6f(1), 6k(4), 6k(5), 6n(1), 12a(1), 12a(5), 12a(10) and 23 (1982 & Supp. IV 1986).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The routine uses applicable to all of the Commission systems of records, including this system, were set forth under the caption, "General Statement of Routine Uses," in 47 FR 43759, 43760-61 (October 4, 1982), and subsequently modified in 47 FR 44830, 44831 (October 12, 1982). In addition, information contained in this system of records may be disclosed by the Commission as follows:

1. Information contained in this system of records may be disclosed to any person with whom an applicant or registrant is or plans to be associated as an associated person or affiliated as a principal.

2. Information contained in this system of records may be disclosed to any registered futures commission merchant with whom an applicant or registered introducing broker has or plans to enter into a guarantee agreement in accordance with Commission regulation 1.10 (17 CFR 1.10).

NFA may disclose information contained in those portions of this system of records maintained by NFA, but any such disclosure must be made in accordance with Commission-approved NFA rules and under circumstances authorized by the Commission as consistent with the Commission's regulations and routine uses. The currently authorized circumstances are set forth in the Commission's September 28, 1984 Order authorizing NFA to perform certain Commission registration functions including the maintenance of Commission records and are published at 49 FR 39593, 39596 (October 9, 1984), except that Item 2b therein was modified to eliminate the requirement of specific consent by the applicant or registered introducing broker to the disclosure of information to the futures commission merchant with whom it has or plans to enter a guarantee agreement. 51 FR 25930, 25931 (July 17, 1986).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders, computer memory, computer print-outs, index cards, microfiche.

Retrievability:

By the name of the individual or firm, or by assigned identification number. Where applicable, the NFA's computer cross-indexes the individual's primary registration file to the name of the futures commission merchant, introducing broker, commodity trading advisor, commodity pool operator or leverage transaction merchant with which the individual is associated or affiliated.

Safeguards:

General office security measures including secured rooms or premises and, in appropriate cases, lockable file cabinets, with access limited to those whose official duties require access.

Retention and disposal:

Applications, biographical supplements, other forms, related documents and correspondence are maintained on the CFTC's or NFA's premises, as applicable, for three years after the individual's registrations(s), or that of the firm(s) with which the individual is associated as an associated person or affiliated as a principal, becomes inactive. Records are then stored at an appropriate site for an additional seven years before being destroyed; CFTC-held records are stored in the Federal Records Center, and NFA-held records are to be stored either on NFA's premises or in appropriate fireproof off-site facilities.

Computer records are maintained permanently on NFA's premises and are updated periodically as long as the individual remains pending for registration, registered in any capacity, or affiliated with any registrant as a principal. Any computer printouts that are produced in order to publish directories are maintained on the premises for six months and then destroyed. Microfiche records, when produced, are maintained permanently on the CFTC's or NFA's premises.

System manager(s) and address:

Assistant Director, Registration Unit, Division of Trading and Markets, 2033 K Street, NW., Washington, DC 20581, or his designee.

For records held by NFA: Vice President for Registration or the Records Custodian, National Futures Association, 200 West Madison Street, Suite 1400, Chicago, Illinois 60606, or a designee.

Notification procedure:

Individuals seeking to determine whether this system of records contains information about themselves, seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records, should address written inquiries to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581; telephone (202) 254-3382.

Record source categories:

The individual or firm on whom the record is maintained; the individual's employer; federal, state and local regulatory and law enforcement agencies; commodities and securities exchanges, National Futures Association and National Association of Securities Dealers; and other miscellaneous sources. The computer records are prepared from the forms, supplements, attachments and related documents submitted to the Commission or NFA and from information developed during the fitness inquiry.

CFTC-21

Removed—Incorporated into CFTC-20.

CFTC-22

Removed—Incorporated into CFTC-20.

CFTC-23

Removed—Incorporated into CFTC-20.

CFTC-24

Removed—Incorporated into CFTC-20.

CFTC-25

Removed.

CFTC-26

Removed—Incorporated into CFTC-14.

CFTC-27

Removed.

CFTC-28

System name:

Exchange Disciplinary Action File.

System location:

Records in this system are maintained at the Commission's principal and regional offices. See introduction, "The Location of Systems of Records."

Categories of individuals covered by the system:

Persons who have been suspended, expelled, or disciplined, or denied access to or by an exchange.

Categories of records in the system:

Letters of notification of disciplinary or other adverse action taken by an exchange which include the name of the person against whom such action was taken, the action taken and the reasons therefor.

Authority for maintenance of the system:

Section 8c(1)(B) of the Commodity Exchange Act, 7 U.S.C. 12c(1)(B).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See introduction, "General Statement of Routine Uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Looseleaf binders.

Retrievability:

By chronological order according to the exchange which took the disciplinary or other adverse action which is the subject of the notice.

Safeguards:

General office security measures.

Retention and disposal:

Retained indefinitely.

System manager(s) and address:

Assistant Director, Contract Markets Section, at 2033 K Street, NW, Washington, D.C. 20581.

Notification procedure:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 2033 K Street NW, Washington, D.C. 20581. Telephone (202) 254-3382.

Record source categories:

Exchanges notifying the Commission of disciplinary or other adverse actions taken.

CFTC-29

System name:

Reparations Complaints.

System location:

Complaints Section, 2000 L Street, NW, Washington, D.C. 20036.

Categories of individuals covered by the system:

Individuals filing customer reparations complaints, as well as the firms and individuals named in the complaints.

Categories of records in the system:

Reparation complaints, answers and correspondence filed with the Complaints Section.

Authority for maintenance of the system:

Section 14 of the Commodity Exchange Act, 7 U.S.C. 18.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records are used in the conduct of the Commission's reparations program. Also see introduction, "General Statement of Routine Uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

By number and cross-indexed by the name of the complainant and respondent.

Safeguards:

General office security including secured rooms or premises, and in appropriate cases lockable file cabinets, with access limited to those whose official duties require access.

Retention and disposal:

Maintained indefinitely, but when a case is forwarded to the Hearings Section these records are included in the Commission's docket files.

System manager(s) and address:

Director, Complaints Section, 2033 K Street, NW, Washington, D.C. 20581.

Notification procedure:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system of records should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581. Telephone: (202) 254-3382.

Record source categories:

Persons filing reparation complaints or answers.

CFTC-30

System name:

Open Commission Meetings.

System location:

Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581.

Categories of individuals covered by the system:

Persons who are the subject of discussion at a Commission meeting open for public observation.

Categories of records in the system:

Information pertaining to the individuals who are the subject of discussion at an open Commission meeting.

Authority for maintenance of the system:

Government in the Sunshine Act, 5 U.S.C. 552b(f), and Commission regulations at 17 CFR 147.7.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The information in these files is a matter of public record and may be disclosed without restriction. See also, the routine uses applicable to many of the Commission's systems of records, including this system, set forth under the caption, "General Statement of Routine Uses," in 47 FR 43759, 43760-61 (October 4, 1982), and subsequently modified in 47 FR 44830, 44831 (October 12, 1982).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders or microfiche; audiocassette tapes.

Retrievability:

The indices to the recordings, transcripts, and minutes of all Commission meetings are organized by year in chronological order. Each yearly index is further indexed in alphabetical order according to subject matter, including the names of individuals, firms, exchanges or other topics, which are discussed at the meetings.

Safeguards:

General office security measures, with access limited to persons whose official duties require access.

Retention and disposal:

Maintained on the premises for at least the statutory period required by the Sunshine Act and Commission regulations (i.e., at least two years after each meeting or at least one year after the conclusion of any agency proceeding with respect to which the meeting or portion of the meeting was held, whichever is later); then retired to the National Archives or stored on the premises.

System manager(s) and address:

Jean A. Webb, Secretary of the Commission, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581.

Notification procedure:

Individuals seeking to determine whether this system of records contains information about themselves, seeking access to records about themselves in this system of records, or contesting the content of records about themselves contained in this system or records,

should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581; telephone (202) 254-3382.

Record source categories:

1. The information recorded during Commission meetings concerning individuals who are the subject discussion at the meetings is generated by the staff in one or more Divisions.

2. The indices are prepared from the recordings, transcripts and/or minutes.

CFTC-31

System name:

Exempted Closed Commission Meetings.

System location:

Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581.

Categories of individuals covered by the system:

Persons who are the subject of discussion at a closed Commission meeting.

Categories of records in the system:

Information pertaining to individuals who are the subject of discussion at a closed Commission meeting. This information consists of (a) investigatory materials compiled for law enforcement purposes whose disclosure the Commission has determined could impair the effectiveness and orderly conduct of the Commission's regulatory, enforcement and contract market surveillance programs or compromise Commission investigations, or (b) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for employment with the Commission to the extent that it identifies a confidential source.

Authority for maintenance of the system:

Government in the Sunshine Act, 5 U.S.C. 552b(f), and Commission regulations at 17 CFR 147.7.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The routine uses applicable to many of the Commission's systems of records, including this system, were set forth under the caption, "General Statement of Routine Uses," in 47 FR 43759, 43760-61 (October 4, 1982), and subsequently modified in 47 FR 44830, 44831 (October 12, 1982).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders or microfiche; audiocassette tapes.

Retrievability:

The indices to the recordings, transcripts, and minutes of all Commission meetings are organized by year in chronological order. Each yearly index is further indexed in alphabetical order according to subject matter, including the names of individuals, firms, exchanges or other topics, which are discussed at the meetings.

Safeguards:

General office security measures, with access limited to persons whose official duties require access.

Retention and disposal:

Maintained on the premises for at least the statutory period required by the Sunshine Act and Commission regulations (i.e., at least two years after each meeting or at least one year after the conclusion of any agency proceeding with respect to which the meeting or portion of the meeting was held, whichever is later); then retired to the National Archives or stored on the premises.

System manager(s) and address:

Jean A. Webb, Secretary of the Commission, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581.

Systems exempted from certain provisions of the act:

The records in this system have been exempted by the Commission from certain provisions of the Privacy Act of 1974 pursuant to the terms of the Privacy Act, 5 U.S.C. 552a and the Commission's rules promulgated thereunder, 17 CFR 146.12. These records are exempt from the notification procedures, record access procedures, and record contest procedures set forth in the system notices of other record systems, and from the requirement that the source of records in the system be described.

Title 17-Commodity and Securities Exchange

Chapter I-Commodity Futures Trading Commission

PART 146—RECORDS MAINTAINED ON INDIVIDUALS

- Sec.
- 146.1 Purpose and scope.
 - 146.2 Definitions.
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 - 146.5 Disclosure of requested information to individuals: fees for copies of records.
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 - 146.8 Amendment of a record.
 - 146.9 Appeals to the Commission.
 - 146.10 Information supplied by the Commission when collecting information from an individual.
 - 146.11 Public notice of records systems.
 - 146.12 Exemptions.

Appendix A—Fees for copies of records requested under the Privacy Act of 1974.

Authority: Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a); Sec. 101(a), Pub. L. 93-463, 88 Stat. 1389 (7 U.S.C. 4a(j)).

Editorial note: For nomenclature changes to this part, see 45 FR 26954, Apr. 22, 1980.

Source: 41 FR 3212, Jan. 21, 1976, unless otherwise noted.

§ 146.1 Purpose and scope.

(a) This Part contains the rules of the Commodity Futures Trading Commission implementing the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a). These rules apply to all records maintained by this Commission which are not excepted or exempted as set forth in § 146.12, insofar as they contain personal information concerning an individual, identify that individual by name or other symbol and are contained in a system of records from which information is retrieved by the individual's name or identifying symbol. Among the primary purposes of these rules are to permit individuals to determine whether information about them is contained in Commission files and, if so, to obtain access to that information; to establish procedures whereby individuals may have inaccurate and incomplete information corrected; and, to restrict access by unauthorized persons to that information.

(b) In this Part the Commission is also exempting certain Commission systems of records from some of the provisions of the Privacy Act of 1974 that would otherwise be applicable to those systems. These exemptions are authorized under the Privacy Act, 5 U.S.C. 552a(k).

§ 146.2 Definitions.

For purposes of this Part 146—

(a) The term "Commission" means the Commodity Futures Trading Commission;

(b) The term "Executive Director" refers to the executive level staff official appointed pursuant to section 2(a)(5) of the Commodity Exchange Act.

(c) The term "FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat" refers to the staff in the Office of the Secretariat in the Commission's principal office in Washington, D.C. who are assigned to respond to requests and handle various other matters under the Freedom of Information Act, the Privacy Act of 1974 and the Government in the Sunshine Act;

(d) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(e) The term "maintain" includes maintain, collect, use, or disseminate;

(f) The term "record" means any item, collection, or grouping of information about an individual that is maintained by the Commission, including but not limited to, his education, financial transactions, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual;

(g) The term "system of records" means a group of any records under the control of the Commission from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(h) The term "system notice" means a notice of the existence and character of the Commission's system of records published in the Federal Register pursuant to § 146.11(a) of these rules;

(i) The term "routine use" means, with respect to the disclosure of a record, the use of that record for a purpose which is compatible with the purpose for which it was collected;

(j) The term "Freedom of Information Act" encompasses both the Freedom of Information Act, as amended, 5 U.S.C. 552, and the Commission's rules contained in Part 145 of this Title.

(k) The term "agency" means any executive department, military department, Government corporation, Government controlled corporation or other establishment in the Executive branch of the Government or any independent regulatory agency.

[41 FR 3212, Jan. 21, 1976, as amended at 45 FR 26954, Apr. 22, 1980]

§ 146.3 Requests by an individual for information or access.

(a) Any individual may request information on whether a system of records maintained by the Commission contains any information pertaining to him, or may request access to his record or to any information pertaining to him which is contained in a system of records. All requests shall be directed to the FOI, Privacy and Sunshine Acts Compliance Staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

(b) A request for information or for access to records under this Part may be made by mail or in person. The request shall (1) be in writing and signed by the individual making the request; (2) include the full name (including the middle name) of the individual seeking the information or record, his home address and telephone number, his business address and telephone number; and (3) if he is or ever has been registered with the Commission or its predecessor agency, or associated with a firm so registered as a partner, officer or director or 10% shareholder, state in what capacity he is or was registered.

(c) For each system of records from which information is sought, the request shall (1) specify the title and identifying number for that system as it appears in the system notice published by the Commission; (2) provide additional identifying information, if any, specified in the system notice; (3) describe the specific information or kind of information sought within that system of records; and (4) set forth any special arrangements sought concerning the time, place, or form of access. A description of the information contained in a system notice and instructions on how to obtain copies of the Commission's system notices appear in § 146.11(b).

(d) The Commission will respond in writing to a request made under this section within ten days (excluding Saturdays, Sundays and legal public holidays) after receipt of the request. If a definitive reply cannot be given within ten days, the request will be acknowledged and an explanation will be given of the status of the request.

(e) When an individual has requested access to records, available to him under these rules, he will either be notified in writing of where and when he may obtain access to the records requested or be given the name, address and telephone number of the member of the Commission staff with whom he should communicate to make further arrangements for access.

[41 FR 3212, Jan. 21, 1976, as amended at 41 FR 28260, July 9, 1976]

§ 146.4 Procedures for identifying the individual making the request.

When a request for information or for access to records has been made pursuant to § 146.3, before information is given or access is granted pursuant to § 146.5 of these rules the Commission shall require reasonable identification of the person making the request to insure that information is given and records are disclosed only to the proper person.

(a) An individual may establish his identity by—

(1) Submitting with his request for information or for access a photocopy of two pieces of identification bearing his name and signature, one of which shall bear his current home or business address; or

(2) Appearing at any office of the Commission (located at the addresses set forth in § 145.6 of these rules) during the regular working hours for that office and presenting either—

(i) One piece of identification containing a photograph and signature, such as a drivers license or passport or

(ii) Two pieces of identification bearing his name and signature, one of which shall bear his current home or business address; or

(3) Providing such other proof of identity as the Commission deems satisfactory in the circumstances of a particular request.

(b) If the Executive Director or other designated Commission official determines that the data in a requested record is so sensitive that unauthorized access could cause harm or embarrassment to the person whose record is involved, or if the person making the request is unable to produce satisfactory evidence of identity under paragraph (a) of this section, the individual making the request may be required to submit a notarized statement attesting to his identity and that he is familiar with and understands the criminal penalties provided under Section 1001 of Title 18 of the United States Code for making false statements to a Government agency and under the Privacy Act, Section 552a(i)(3) of Title 5 of the United States Code, for obtaining records under false pretenses. Copies of these statutory provisions and forms for such notarized statements may be attained upon request from the FOI, Privacy and Sunshine Acts Compliance Staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

(c) The parent or guardian of a minor or a person judicially determined to be

incompetent, in addition to establishing the identity of the person he represents as described in the previous paragraphs of this section, shall establish his own identity and his parentage or guardianship by furnishing a copy of a birth certificate showing parentage or a court order establishing the guardianship.

(d) Nothing in this section shall preclude the Commission from requiring additional identification before granting access to the records if there is reason to believe that the person making the request may not be the individual to whom the record pertains, or where the sensitivity of the data warrants it.

(e) The requirements of this section shall not apply if the records involved would be available to any person pursuant to the Commission's rules under the Freedom of Information Act as set forth in Part 145 of this chapter.

[41 FR 3212, Jan. 21, 1976, as amended at 41 FR 28260, July 9, 1976]

§ 146.5 Disclosure of requested information to individuals; fee for copies of records.

(a) Any individual who has requested access to his record or to any information pertaining to him in the manner prescribed in § 146.3, and has identified himself as prescribed in § 146.4, shall be permitted to review the record and have a copy made of all or any portion thereof in a form comprehensible to him, subject to fees for copying services set forth in Appendix A to this Part. Upon his request persons of his own choosing may accompany him, but the individual shall first furnish a written statement authorizing discussion of that individual's record in the accompany persons' presence.

(b) Access will generally be granted in the office of the Commission where the records are maintained during normal business hours, but for good cause shown the Commission may grant access at another office of the Commission or at different times for the convenience of the individual making the request.

(c) Where a document containing information about an individual also contains information not pertaining to him, the portion not pertaining to the individual shall not be disclosed to him except to the extent the information is available to any person under the Freedom of Information Act. If the records sought cannot be provided for review and copying in a meaningful form, the Commission shall provide to the individual a report of the information concerning the individual contained in the record or records which

shall be complete and accurate in all material aspects.

(d) Where the disclosure involves medical records, the records may be provided only to a physician designated in writing by the individual.

(e) Requests for copies of documents may be directed to the FOI, Privacy and Sunshine Acts Compliance Staff, Office of the Secretariat or to the member of the Commission's staff through whom arrangements for access were made.

(f) Fees for copies of records shall be charged as set forth in the schedule of fees contained in Appendix A to this Part. Copies of the schedule may be obtained upon request from the FOI, Privacy and Sunshine Acts Compliance Staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Payment should be made by check or money order payable to the Commodity Futures Trading Commission. Advance payment of all or part of the fee may be required at the discretion of the Commission, but generally this will not be required for requests where the anticipated fee is less than \$25.

(g) Nothing in this section or in § 146.3 shall:

(1) Require the disclosure of investigative records exempted under § 146.12 of these rules;

(2) Allow an individual access to any information compiled in reasonable anticipation of a civil action, administrative proceeding or a criminal proceeding;

(3) Require the furnishing of information or records which cannot be retrieved by the name or other identifier of the individual making the request.

[41 FR 3212, Jan. 21, 1976, as amended at 41 FR 28261, July 9, 1976; 45 FR 26954, Apr. 22, 1980]

§ 146.6 Disclosure to third parties.

(a) The Commission shall not disclose to any agency or to any person by any means of communication a record pertaining to an individual which is contained in a system of records, except under the following circumstances:

(1) The individual to whom the record pertains has given his written consent to the disclosure;

(2) The disclosure is to officers and employees of the Commission who need it in the performance of their duties;

(3) Disclosure is required under the Freedom of Information Act (5 U.S.C. 552);

(4) Disclosure is for a routine use as defined in § 146.2(g) and described in the system notice for that system of records;

(5) The disclosure is made to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity;

(6) The disclosure is made to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(7) The disclosure is made to another agency or to an instrumentality of any Governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law and if the head of the agency or instrumentality has made a written request to the Commission specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) The disclosure is made to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) The disclosure is made to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) The disclosure is made to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) The disclosure is pursuant to the order of a court of competent jurisdiction.

(b) The Commission will make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record.

(c) The Commission, with respect to each system of records under its control, shall keep an accurate accounting of certain disclosures.

(1) A record shall be kept of all disclosures made under paragraph (a) of § 146.6, except disclosures made with the consent of the individual to whom the record pertains (paragraph (a)(1) of this section), disclosures to authorized employees (paragraph (a)(2) of this section) and disclosures required under the Freedom of Information Act (paragraph (a)(3) of this section).

(2) The record shall include:

(i) The date, nature, and purpose of each disclosure of a record made to any person or to another agency;

(ii) The name and address of the person or agency to whom the disclosure was made.

(3) The accounting will be retained for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made.

(d) The accounting described in paragraph (c) of this section will be made available to the individual named in the record upon his written request, directed to the FOI, Privacy and Sunshine Acts Compliance Staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, except that the accounting will not be revealed with respect to disclosures made under paragraph (a)(7) of this section pertaining to law enforcement activity, and to disclosures involving systems of investigative records exempted under § 146.12 of these rules.

(e) Whenever an amendment or correction of a record or a notation of dispute concerning the accuracy of records is made by the Commission in accordance with §§ 146.8 and 146.9 of these rules, the Commission will inform any person or other agency to whom the record was previously disclosed, if an accounting of the disclosure was made pursuant to the requirements of paragraph (c) of this section.

[41 FR 3212, Jan. 21, 1976, as amended at 41 FR 28261, July 9, 1976]

§ 146.7 Content of systems of records.

(a) The Commission will maintain in its records only such information about an individual as is relevant and necessary to accomplish the purposes of the Commodity Exchange Act and other purposes required to be accomplished by statute or by executive order of the President.

(b) The Commission will maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity.

(c) The Commission will collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs.

(d) The Commission will maintain all records which are used by the Commission in making any determination about any individual with

such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination.

§ 146.8 Amendment of a record.

(a) Any individual may request amendment of information pertaining to him which is contained in a system of records maintained by the Commission and which is filed under his name or other individual identifier if he believes the information is not accurate, relevant, timely or complete. A request for amendment shall be directed to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

(b) A request for amendment may be made by mail or in person and shall: (1) Be in writing and signed by the person making the request; (2) describe the particular record to be amended with sufficient specificity to permit the record to be located among those maintained by the Commission; and (3) specify the nature of the amendment sought and the justification for the requested change. The person making the request may be required to provide the information specified in § 146.3 and § 146.4 of these rules in order to simplify identification of the record and permit verification of the identity of the person making the request for amendment.

(c) Receipt of a request for amendment will be acknowledged in writing within ten days (excluding Saturdays, Sundays, and legal public holidays) except that, if the individual is given notice within the ten day period that his request will or will not be complied with, no acknowledgement is required.

(d) Assistance in preparing a request to amend a record may be obtained from the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

(e) Upon receipt of a request for amendment the Executive Director of the Commission or a person designated by the Executive Director shall promptly determine whether the record is materially inaccurate, incomplete, misleading, or is irrelevant or not timely, as claimed by the individual, and, if so, shall cause the record to be amended in accordance with the individual's request.

(f) If the Executive Director or designee grants the request to amend the record, the individual shall promptly be advised of the decision and of the

action taken, and notice shall be given of the correction and its substance to each person or agency to whom the record had previously been disclosed, as shown on the record of disclosures maintained in accordance with § 146.6(c).

(g) If the Executive Director or designee disagrees in whole or in part with a request for amendment of a record, the individual shall promptly be notified of the complete or partial denial of his request and the reasons for the refusal. The individual shall also be notified of the procedures for administrative review by the Commission of any complete or partial denial of a request for amendment, which are set forth in § 146.9.

(h) If a request is received for amendment of a record prepared by another agency which is in the possession or control of the Commission, the request for amendment will be forwarded to that agency. If that agency determines that the correction should be made, the Commission will amend its records accordingly and notify the individual making the request for amendment of the change. If the other agency declines to make the amendment, the Executive Director or designee will independently determine whether the amendment will be made to the record in the Commission's possession or control, considering any explanation given by the other agency for its decision.

[41 FR 3211, Jan. 21, 1976, as amended at 41 FR 28261, July 9, 1976]

§ 146.9 Appeals to the Commission.

(a) Any individual may petition the Commission:

(1) To review a refusal to comply with an individual request for access to records pursuant to the Privacy Act, 5 U.S.C. 552a(d)(1), and §§ 146.3 and 146.5 of the rules in this part;

(2) To review denial of a request for amendment made pursuant to § 146.8;

(3) To correct any determination that may have been made adverse to the individual based in whole or in part upon inaccurate, irrelevant, untimely or incomplete information;

(4) To correct a failure to comply with any other provision of the Privacy Act, 5 U.S.C. 552a, and the rules of this Part 146, which has had an adverse effect on the individual.

(b) The petition to the Commission shall be in writing and shall (1) state in what manner it is claimed the Commission or any Commission employee has failed or refused to comply with provisions of the Privacy Act or of the rules contained in this Part 146, and (2) set forth the corrective

action the petitioner wishes the Commission to take. The petitioner may, if he wishes, state such facts and cite such legal or other authorities as he considers appropriate.

(c) The petition shall be directed to the FOI, Privacy and Sunshine Acts Compliance Staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581.

(d) The Commission will make a determination of any petition filed pursuant to this § 146.9 within thirty days (excluding Saturdays, Sundays and legal public holidays) after receipt by the FOI, Privacy and Sunshine Acts Compliance Staff, Office of the Secretariat of the petition, unless for good cause shown, the Commission extends the 30-day period. If a petition is denied, the Commission will notify the petitioner in writing and state the reasons therefor.

(e) Where the petition is made for review of a denial of a request for amendment made pursuant to § 146.8, the following additional procedures shall apply:

(1) If upon review the Commission grants the petition to amend the record, notice of the correction and its substance shall be given to each person or agency to whom the record had previously been disclosed, as shown on the record of disclosures maintained in accordance with § 146.6(c) of these rules.

(2) If upon review the initial denial of the request for amendment is upheld in whole or in part, the individual shall be notified of the provisions for judicial review of that determination which are set forth in Section 552a(g)(1)(A) and (2)(A), of Title 5 of the United States Code and the provisions for disputed records set forth in paragraph (e)(3) of this section.

(3) If after review the Commission has declined to amend the records as the individual has requested, the individual may file with the FOI, Privacy and Sunshine Acts Compliance Staff, Office of the Secretariat a concise statement setting forth why he disagrees with the Commission's denial of his request. Any subsequent disclosure containing information about which a statement of disagreement has been filed shall clearly note the portion which is disputed, and include a copy of the individual's statement. The Commission may also include a copy of a concise statement explaining its reasons for not making the amendments requested.

(f) The General Counsel or his or her designee is hereby delegated the authority to act for the Commission in deciding appeals under this section. The

General Counsel may, in his or her sole and unfettered discretion refer such appeals to the Commission for decision.

[41 FR 3211, Jan. 21, 1976, as amended at 41 FR 28261, July 9, 1976; 45 FR 26954, Apr. 22, 1980; 51 FR 26874, July 28, 1986]

§ 146.10 Information supplied by the Commission when collecting information from an individual.

The Commission will inform each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual of—

(a) The authority (whether granted by statute, or by executive order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(b) The principal purpose or purposes for which the information is intended to be used;

(c) The routine uses which may be made of the information, as published in the *Federal Register*; and

(d) The effects on him, if any, of not providing all or any part of the requested information.

§ 146.11 Public notice of records systems.

(a) The Commission will publish in the *Federal Register* at least annually a notice of existence and character of each of its systems of records, which notice shall include—

(1) The name and location of the system;

(2) The categories of individuals on whom records are maintained in the system;

(3) The categories of records maintained in the system;

(4) Each routine use of the records contained in the system, including the categories of users and the purpose of such use;

(5) The policies and practices of the Commission regarding storage, retrievability, access controls, retention, and disposal of the records;

(6) The title and business address of the Commission official who is responsible for the system of records;

(7) The procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;

(8) The procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its contents; and

(9) The categories of sources of records in the system.

(b) Copies of the notices as printed in the **Federal Register** will be available in each office of the Commission. Locations of Commission offices are listed in § 145.6. Mail requests shall be directed to the FOI, Privacy and Sunshine Acts Compliance Staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581. The first copy will be furnished free of charge. A charge will be made for each additional copy.

[41 FR 3212, Jan. 21, 1976, as amended at 41 FR 28261, July 9, 1976; 45 FR 26955, Apr. 22, 1980]

§ 146.12 Exemptions.

(a) Investigatory materials compiled for law enforcement purposes are exempt from portions of the Privacy Act of 1974 and of these rules as set forth in paragraph (c) of this section, on the basis and to the extent that individual access to these files could impair the effectiveness and orderly conduct of the Commission's regulatory and enforcement program. Materials exempted under this paragraph are contained in the system of records entitled "Exempted Investigatory Records" and/or in the system of records entitled "Exempted Closed Commission Meetings." Notwithstanding the foregoing, however, no record which has served as a basis for denying an individual a right, privilege, or benefit to which he would otherwise be eligible, shall be maintained in this system, unless the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in

confidence. For records of this type, if practicable, material identifying the confidential source shall be extracted or summarized in a manner which protects the source and the summary or extract shall be maintained in a comparable nonexempted system of records.

(b) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for employment with the Commission are exempt from portions of the Privacy Act of 1974 and of these rules as set forth in paragraph (c) of this section, to the extent that it identifies a confidential source. This is done in order to encourage persons from whom information is sought to provide information to the Commission which, absent assurances of confidentiality, they would be unwilling to give. However, if practicable, material identifying a confidential source shall be extracted or summarized in a manner which protects the source and the summary or extract shall be maintained in a non-exempt system containing the same category of record. Materials exempted under this paragraph are included in the system of records entitled "Exempted Employee Background Investigation Material" and/or in the system of records entitled "Exempted Closed Commission Meetings."

(c) The systems set forth in paragraphs (a) and (b) of this section are hereby exempted from the provisions of Sections 552a(c), (3)(d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) of Title 5 of the United States Code (the Privacy Act of 1974), and are also exempted from the following sections of these rules: § 146.3 (Requests for information and for access); § 146.5 (Access to records); § 146.6(d) (Accounting of disclosures to be made available to the individual); § 146.11(a) (7), (8), (9) (Content of the

system notice); and § 146.7(a) (Relevancy of records).

[41 FR 3212, Jan. 21, 1976, as amended at 53 FR 35198, Sept. 12, 1988]

Appendix A—Fees for Copies of Records Requested Under the Privacy Act of 1974

a. The following schedule of fees shall apply to copies of records requested by individuals pursuant to the Privacy Act of 1974, 5 U.S.C. 552a and § 146.5(f).

(1) For requests for copies of documents the charge will be 15 center per page.

(2) For materials other than paper records, including computer and cassette tapes, the direct cost of the materials, and if required, time spent by clerical personnel copying the materials shall be charged. Persons making the request shall be notified of the amount of the charge and shall give specific approval before the request is processed.

(3) For certifying that requested records are true copies, the fee will be \$3.00 per certification in addition to other fees, is any.

(4) Upon request, records will be mailed by means of an overnight/express service at the fee of \$10.00 per unit mailed.

(5) The Commission may, upon application by the individual, furnish any records without charge or at a reduced rate, if it determine that such waiver or reduction of fee is in the public interest.

b. Requests for copies of documents shall be addressed to FOI, Privacy and Sunshine Acts compliance staff, Office of Secretariat, Commodity Futures Trading Commission, 2033 K Streets, NW, Washington, DC 20581.

c. Payment must be made by check or money order payable to the Commodity Futures Trading Commission. Payment should be made by check or money order payable to the Commodity Futures Trading Commission.

d. Advance payment of all or part of the fee may be required at the discretion of the Commission. Generally, advance payment will not be required where the anticipated fee is less than \$25.

[41 FR 3212, Jan. 21, 1976, as amended at 45 FR 26955, Apr. 22, 1980; 48 FR 46011, Oct. 11, 1983; 48 FR 55280, Dec. 12, 1983; 49 FR 12684, Mar. 30, 1984].

CONSUMER PRODUCT SAFETY COMMISSION

CPSC-Accident Reports (In-Depth)	
CPSC-2	Advisory Committee Records
CPSC-3	Claims
CPSC-5	Employee Biographies
CPSC-7	Employee Discrimination Complaint and Investigation File
CPSC-8	Employee Executive Development Records
CPSC-9	[Reserved]
CPSC-10	Employee Merit Promotion Program Files
CPSC-11	Employee Motor Vehicle Operators and Accident Report Records
CPSC-12	Employee Outside Activity Notices
CPSC-13	Personnel Data System
CPSC-14	[Reserved]
CPSC-15	Employee Relations Files
CPSC-16	Employee Upward Mobility Counseling Files
CPSC-17	Commissioned Officers Personal Data File
CPSC-18	Job Applicant File
CPSC-19	Labor-Management Relations File
CPSC-20	[Reserved]
CPSC-21	[Reserved]
CPSC-22	Management Information System
CPSC-23	Health Unit Medical Records

Appendix I—Regional Office Addresses

Appendix II—Pertinent Record Systems of Other Agencies

CPSC-1

System name:

Accident Reports (In-Depth)—CPSC-1.

System location:

Consumer Product Safety Commission, Directorate for Epidemiology, 5401 Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system:

Victims of Consumer product-related injuries on which specific epidemiologic data is needed in order to analyze and correct product hazards.

Categories of records in the system:

This record contains demographic data on an injured person, location of accident, data on injury, product and manufacturer identification, and a narrative description of the accident.

Authority for maintenance of the system:

Consumer Product Safety Act, section 5 (15 U.S.C. 2054).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used as a compilation of statistical information on product-related injuries to support CPSC staff work in analysing the incidence and severity of product related injuries and to respond to Congressional inquiries and requests for information from private individuals and private and public organizations.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Records may be provided to another Federal, State or local agency or authority engaged in activities relating to health, safety or consumer protection in accordance with section 29(e) of the Consumer Product Safety Act, as amended (Pub. L. 92-573, as amended by Pub. L. 94-284, 15 U.S.C. 2078(e)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained on magnetic data bank disk. The original hard copy of the investigation report is maintained by the National Injury Information Clearinghouse, Directorate for Epidemiology in file folders.

Retrievability:

Records are retrievable by a coded number which indicates the date of assignment of the investigation, the Commission unit requesting the report, the product involved and a sequential number assigned to the investigation.

Safeguards:

Confidentiality of the name of the accident victim and attending physician are guaranteed by the Consumer Product Safety Act, section 25(c) (15 U.S.C. 2074(c)) and, therefore, names do not appear in the record and are not used for retrieval.

Retention and disposal:

Records are maintained for a period of 10 years subject to change in Commission policy. Disposal is by normal methods.

System manager(s) and address:

Director, Division of Hazard and Injury Data Systems, Directorate for Epidemiology, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Systems exempted from certain provisions of the act:

This system of records is subject to the specific exemption provided for in 5 U.S.C. 552a(k)(4) and is therefore exempt from subsections (c)(3), (d) (2) and (3), (e)(1), (e)(4)(G), (H) and (I) and (f) of section 552a. The data is required to be maintained by 15 U.S.C. 2054 and is used solely as statistical records.

CPSC-2

System name:

Advisory Committee Records—CPSC-2.

System location:

Consumer Product Safety Commission, Directorate for Health Sciences, 5401 Westbard Avenue, Washington, D.C. 20207.

Categories of individuals covered by the system:

Individuals seeking or nominated for or selected for membership of CPSC Advisory Committees.

Categories of records in the system:

Records of applicants contain an individual's name, address, personal history and qualifications, any correspondence with the individual and any Commission memoranda relating to the selection of the individual. Records of members additionally contain information about the member's financial compensation and Commission documents relating to the individual's service as a member.

Authority for maintenance of the system:

15 U.S.C. 2077 and 15 U.S.C. 1275.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records are used to select candidates for filling vacancies on advisory committees and to administer the operation of the committees.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in hard copy.

Retrievability:

Records are indexed alphabetically by name of committee and then by name of applicant or member.

Safeguards:

Records are maintained in file cabinets in a secured area.

Retention and disposal:

Applicants' and nominees' records are retained until new applications are solicited or committee is terminated and then destroyed. Members' records are retained for 2 years after termination of membership and then destroyed.

System manager(s) and address:

Committee Management Officer, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207.

Notification procedure:

Freedom of Information/Privacy Act Officer, Office of the Secretary, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

Information is provided by applicants, nominees for, and members of Advisory Committees and by Commission staff.

CPSC-3

System name:

Claims—CPSC-3

System location:

Consumer Product Safety Commission, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207.

Categories of individuals covered by the system:

CPSC employees sustaining personal property damage or loss incident to service; CPSC employees involved in situations where personal injury or property damage to others results from wrongful or negligent act or omission of employee acting within scope of employment; claimants sustaining injury or property damage due to activities of CPSC or its employees.

Categories of records in the system:

These records contain claims for money damages, accident and investigative reports, and correspondence and other documents concerning claims.

Authority for maintenance of the system:

31 U.S.C. 240-243; 28 U.S.C. 1346(b), 2672.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(a) For processing claims and litigation under the Federal Tort Claims Act or the Military Personnel and Civilian Employees' Claims Act; (b) For preparation of reports.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Information from a record in this system of records may be disclosed to a person or entity having a legal interest in the claim.

Information may be disclosed to Federal, state, or local law authorities, court authorities, administrative authorities, for use in connection with civil, criminal, administrative, and regulatory proceedings and actions relating to the claim.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in hard copy.

Retrievability:

Records are indexed alphabetically by name of individual claimant.

Safeguards:

Records are maintained in combination lock metal file cabinet in a secured area. Access to such area is limited to those persons whose official duties require such access.

Retention and disposal:

Records are retained up to six years after case is closed. Disposal is by normal procedures.

System manager(s) and address:

Chief, Labor and Employee Relations Branch, Division of Personnel Management, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Notification procedure:

Freedom of Information/Privacy Act Officer, Office of the Secretary, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

Information is provided (1) the individual to whom the record pertains (2) CPSC and/or its employees (3) affidavits, statements, or testimony of witnesses (4) official documents relating to claim (5) correspondence from organizations or persons involved.

CPSC-5

System name:

Employee Biographies—CPSC-5

System location:

Consumer Product Safety Commission, Office of Public Affairs, 5401 Westbard Avenue Washington, D.C. 20207.

Categories of individuals covered by the system:

CPSC employees who have submitted biographical information.

Categories of records in the system:

This record contains a brief statement of information relating to educational and professional background and present position and responsibilities within the Commission.

Authority for maintenance of the system:

Consumer Product Safety Act (15 U.S.C. 2051-83).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

This information is furnished to the public media in connection with employee activities and employee participation in conferences, meetings and other functions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in hard copy.

Retrievability:

Records are indexed alphabetically by name of employee.

Safeguards:

Records are maintained in locked file cabinets in secured areas.

Retention and disposal:

Records are maintained until employee terminates employment at agency. Disposal is by normal methods.

System manager(s) and address:

Director, Office of Public Affairs, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Notification procedure:

Freedom of Information/Privacy Act Officer, Office of the Secretary, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

Information in this record is furnished by the employees to whom it pertains.

CPSC-7

System name:

Employee Discrimination Complaint and Investigation File—CPSC-7.

System location:

Consumer Product Safety Commission, Office of Equal Employment Opportunity and Minority Enterprise (OEEOME), 5401 Westbard Avenue, Washington, D.C. 20207.

Categories of individuals covered by the system:

Commission employees and applicants for employment who have filed complaints of discrimination based on race, color, religion, sex, national origin or age.

Categories of records in the system:

This record contains information pertaining to the complainant, any alleged discriminatory official, and others having a relationship to the complaint.

Authority for maintenance of the system:

29 CFR Part 1613.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in these records is used or a record may be used for: (1) Review by the assigned EEO Investigator (2) review by the Director, Office of Equal Employment Opportunity and Minority Enterprise (3) referral to Office of General Counsel for legal analysis and action.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are stored in hard copy.

Retrievability:

Records are indexed by name.

Safeguards:

Records are maintained in locked file cabinets in secured areas.

Retention and disposal:

Records are retained indefinitely. Disposal is by normal procedures.

System manager(s) and address:

Director, Office of Equal Employment Opportunity and Minority Enterprise, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Notification procedure:

Freedom of Information/Privacy Act Officer, Office of the Secretary, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

Information in this file is furnished by supervisors, co-workers and others who are involved in the complaint or have information pertaining thereto.

CPSC-8**System name:**

Employee Executive Development Program Records—CPSC-8.

System location:

Consumer Product Safety Commission, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207.

Categories of individuals covered by the system:

Commission employees in grade GS-13 and above.

Categories of records in the system:

These records contain information relating to the education training; employment history and earnings; appraisals of 1st and 2nd line supervisors; honors, awards or fellowships; military service; birthplace, birthdate, social security number, home address of applicants for the various executive development programs which are offered on an open Commission competitive basis. Also, records contain panel evaluations and selection rating information on successful and unsuccessful nominees; correspondence to training facilities and employees pertaining to the various executive developmental programs; statistical compilation reports submitted to OMB and OPM covering reporting requirements on CPSC employees.

Authority for maintenance of the system:

Executive Order 11348, 5 U.S.C. 4103, 4104, 4108, 4109, 4110, 4113, 4118.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in these records is used or a record may be used;

- (a) To facilitate career development of employees.
- (b) To provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force.
- (c) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
- (d) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information concerning the hiring or retention of an employee.
- (e) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rules, regulation, or order issued pursuant thereto.
- (f) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions of manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

(g) To provide data for the automated Central Personnel Data File (CPDF).

(h) By the Office of Personnel Management for purposes of making a decision when a Federal employee or former Federal employee is questioning the validity of a specific document in an individual file.

(i) To any agency of the Federal Government having oversight or review authority with regard to Office of Personnel Management activities.

(j) To provide data to update the Federal Automated Career Systems (FACS).

(k) To provide data to the Executive Inventory Files.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Records are maintained in file folders.

Retrievability:

Records are indexed by combination of names or subject matter.

Safeguards:

Records are located in metal file cabinets with access limited to those whose official duties require access.

Retention and disposal:

Records are maintained indefinitely. Disposal is by normal procedures.

System manager(s) and address:

Chief, Policy and Evaluation Branch, Division of Personnel Management, Consumer Product Safety Commission, Washington, D.C. 20207.

Notification procedure:

Freedom of Information/Privacy Act Officer, Office of the Secretary, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

Information in this system of records is provided by the individual to whom it applies or is derived from information he/she supplied, and information provided by other agency officials.

CPSC-10**System name:**

Employee Merit Promotion Program—CPSC-10.

System location:

Consumer Product Safety Commission, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207.

Categories of individuals covered by the system:

Applicants, current and former employees.

Categories of records in the system:

This system of records contains information or documents relating to promotions subject to the merit promotion plan. The records consist of employment applications and performance appraisals, rating sheets and material placed into the records to support the rating.

Authority for maintenance of the system:

FPM Chapter 335.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records and information in the records may be used:

- (1) To respond to requests from employees regarding the status of their merit promotion case.
 - (2) To provide information to the Office of Equal Employment Opportunity when an individual files a discrimination complaint.
 - (3) To respond to a court subpoena and/or refer to a court in connection with a civil suit.
 - (4) To adjudicate an appeal, complaint, or grievance.
 - (5) To effectuate promotion of employees concerned.
- Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are maintained in file folders.

Retrievability:

These records are indexed by the names of the individuals on whom they are maintained and by merit promotion case numbers.

Safeguards:

Records are located in a metal file cabinet and access is limited to those persons whose official duties require such access.

Retention and disposal:

The records are maintained up to two years after a selection has been made.

System manager(s) and address:

Chief, Employment Branch, Division of Personnel Management, Consumer Product Safety Commission, Washington, D.C. 20207.

Notification procedure:

Freedom of Information/Privacy Act Officer, Office of the Secretary, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Record access procedures:

Same as notification.

Record source categories:

Information in this record is provided by:

- (1) Individual to whom the record pertains,
- (2) Agency and/or Commission officials,
- (3) Affidavits or statements from employee,
- (4) Official documents relating to appeal, grievance, or complaint,
- (5) Correspondence from specific organization or persons.

CPSC-11

System name:

Employee Motor Vehicle Operators and Accident Report Records—CPSC-11.

System location:

Consumer Product Safety Commission, Division of Management Services, 5401 Westbard Avenue, Washington, D.C. 20207.

Categories of individuals covered by the system:

Employees of the Commission who (1) hold Government motor vehicle operator's permit and who regularly operate vehicles (2) are involved in automobile accidents.

Categories of records in the system:

This record contains data on employees issued a Government motor vehicle operator's permit, and reports, correspondence and fiscal documents concerning employees involved in automobile accidents.

Authority for maintenance of the system:

Consumer Product Safety Act (15 U.S.C. 2051-2081) and 28 U.S.C. Chap. 171.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records are used as indicated below:

- (1) To identify those CPSC employees authorized to operate Government-owned or Government-leased vehicles.
 - (2) For use by the Office of General Counsel in connection with claims litigation.
 - (3) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.
 - (4) To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, or the issuance of a license, grant, or other benefit.
 - (5) To provide information or disclose to a Federal Agency, in response to its request, in connection with the hiring or retention of an employee, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.
- Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in hard copy.

Retrievability:

Records are indexed by employee name.

Safeguards:

Records are maintained in a secured area.

Retention and disposal:

Records on driver's permits are retained for one year after employee is terminated. Records on automobile accidents are retained for two years after accident. Disposal is by normal procedures.

System manager(s) and address:

Director, Division of Management Services, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Notification procedure:

Freedom of Information/Privacy Act Officer, Office of the Secretary, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

The information in this record is furnished by the employee. Information on accidents is furnished by the employee and witnesses to the accident.

CPSC-12

System name:

Employee Outside Activity Notices—CPSC-12.

System location:

Consumer Product Safety Commission, Ethics Counselor, Deputy General Counsel, 5401 Westbard Avenue, Washington, D.C. 20207.

Categories of individuals covered by the system:

Commission employees carrying on outside activities such as consultative services, practice of law, or teaching.

Categories of records in the system:

This system of records contains information concerning the employee's position, nature of outside activity, relation of official duties to activity, and method of compensation for outside activity.

Authority for maintenance of the system:

Executive Order 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in these records is used by the Ethics Counselor in making a determination as to whether an employee's outside activity constitutes a real or apparent conflict of interest.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained on hard copy.

Retrievability:

Records are indexed by employee name.

Safeguards:

Records are maintained in locked file cabinets.

Retention and disposal:

Records are maintained until employee terminates employment with agency. Disposal is by normal procedures.

System manager(s) and address:

Ethics Counselor, Deputy General Counsel, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Notification procedure:

Freedom of Information/Privacy Act Officer, Office of the Secretary, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

The information in these records is furnished by the employees to whom it pertains.

CPSC-13**System name:**

Personnel Data System—CPSC-13.

System location:

Consumer Product Safety Commission, Associate Executive Director for Administration, 5401 Westbard Avenue, Washington, D.C. 20207, and the Headquarters unit or Regional Office to which an employee is assigned. Regional Office addresses are listed in Appendix I.

Categories of individuals covered by the system:

Employees and former employees of CPSC.

Categories of records in the system:

Records consist of payroll records, personnel security records, safety records, EEO records, and personnel records. In addition, the system contains data necessary to update the Central Personnel Data File at the Office of Personnel Management, to process personnel actions, to perform detailed accounting distributions, to automatically provide for such tasks as mailing checks and bonds, and to prepare and mail tax returns and reports. Records include, but are not limited to the following categories of records:

1. Employee identification and status data such as name, social security number, date of birth, sex, work schedule, type of appointment, education, veteran's preference, military service, and race/national origin.
2. Relevant data such as service computation date for leave, date probationary period began, and date of performance rating.
3. Position and pay data such as pay plan, occupational series, grade, step, salary, merit pay, organization location.
4. Employment data such as merit pool identifier, position description, special employment program, and target occupational series and grade.
5. Payroll data such as time; attendance; leave; Federal, State, and local tax; allotments; savings bonds; and other pay allowances and deductions.
6. Personnel security data such as security clearance level and basis with dates.
7. Financial data pertaining to travel.
8. Information on debts owed to the government as a result of overpayment, refund owed, or a debt referred for collection by another agency.

Authority for maintenance of the system:

5 U.S.C., Part III, is the authority for the overall system. Specific authority for use of Social Security numbers is contained in Executive Order 9397, 26 CFR 31.6011(b)(2), and 26 CFR 31.6109-1. The authority for the personnel security clearance and statistical records is contained in Executive Order 19450, April 27, 1953, as amended, Executive Order 12065, June 28, 1978; 31 U.S.C. 686; and 40 U.S.C. 318(a) through (d).

Purpose(s):

This system supports the day to day operating requirements associated with personnel oriented program areas from hiring employees and paying employees to calculating estimated retirement annuities. Payroll-related outputs include a comprehensive payroll; detailed accounting distribution of costs; leave data summary reports; an employee's statement of earnings, deductions and leave every payday for each employee; State, city, and local unemployment compensation reports; Federal, State, and local tax reports; W-2 wage and tax statements; and reports of withholdings and contributions. Personnel-related reports include automated personnel actions as well as organization rosters, retention registers, retirement calculations, reports of the Federal civilian employment, employee master record printouts, length of service lists, and listings of within-grade increases. These records are used to provide data for agency reports and internal workforce statistics and information regarding such matters as average grade, minority, veteran and handicap employment, retention-standing, within-grade due dates, occupational groupings, geographic employment and others related to the operation of the personnel office.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Routine uses of records maintained in the system include:

a. Providing data to the Office of Personnel Management's Central Personnel Data File (CPDF).

b. Providing a copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, and 5520.

c. Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the Assistant Administrator for Plans, Programs, and Financial Management, General Services Administration (B), Washington, D.C. 20405.

d. To the extent necessary, records are available to Commission and outside government agencies to monitor and document grievance proceedings, EEO complaints, and adverse actions; and to provide reference to other agencies and persons for employees seeking employment elsewhere.

e. Some records or data elements in this system of records may also be in the Office of Personnel Management's government-wide system OPM/GOVT-1 and are subject to that system's routine uses.

Disclosure to consumer reporting agencies:

Disclosure pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Records are stored on paper in file folders and on computer magnetic media.

Retrievability:

Paper records are filed by name. Computer records are retrievable by any data element or combination of data elements.

Safeguards:

Paper records are stored in lockable metal cabinets or in secured rooms. Password system protects access to the computerized records. Information is released only to authorized officials on a need-to-know basis.

Retention and disposal:

Payroll-related records are sent to storage 2 years after the end of the fiscal year to which they pertain.

Personnel-related records are disposed of 2 years after termination of employment.

System manager(s) and address:

For payroll-related records: Director, Division of Financial and Management Services, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

For personnel-related records: Chief, Employment Branch, Division of Personnel Management, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Notification procedure:

Freedom of Information/Privacy Act Officer, Office of the Secretary, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

The individuals themselves, other employees, supervisors, other agencies' management officials, non-Federal sources such as private firms, and data from the systems of records OPM/GOVT-1 and EEOC/GOVT-1.

CPSC-15**System name:**

Employee Relations Files—CPSC-15.

System location:

Consumer Product Safety Commission, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207.

Categories of individuals covered by the system:

Current and former employees of the Consumer Product Safety Commission.

Categories of records in the system:

This system of records contains information or documents relating to: (1) Disciplinary actions, complaints, grievances, potential adverse actions, and proposals, decisions, or determinations made by management relative to the foregoing; (2) retirement records.

The records consist of the notices to the individuals, records of resolutions of complaints, materials placed into the record to support the decision or determination, affidavits or statements.

Authority for maintenance of the system:

5 U.S.C. 1302, 3301, 4308, 5115, 5338, 7151, 7301, 7701, 8347, Executive Orders 9830, 10987, 11222, 11478.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records and information in the records may be used: (1) To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance. (2) To provide information to the public on the decision of an appeal, complaint, or grievance required by the Freedom of Information Act. (3) To respond to a court subpoena and/or refer to a district court in connection with a civil suit. (4) To adjudicate or resolve an appeal, complaint, or grievance. (5) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions of manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions. (6) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether federal, state or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. (7) To request information from a federal, state or local agency maintaining Civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, or the issuance of a license, grant, or other benefit. (8) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision of that matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are maintained in file folders.

Retrievability:

These records are indexed by the names of the individuals on whom they are maintained.

Safeguards:

Records are located in a combination lock metal file cabinet and access is limited to those persons whose official duties require such access.

Retention and disposal:

The records are maintained up to 2 years after an employee has left the Consumer Product Safety Commission. Disposal is by normal procedures.

System manager(s) and address:

Chief, Labor and Employee Relations Branch, Division of Personnel Management, Consumer Product Safety Commission, Washington, D.C. 20207.

Notification procedure:

Freedom of Information/Privacy Act Officer, Office of the Secretary, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

Information in these records is furnished by: (1) Individual to whom the record pertains (2) Agency and/or Commission officials (3) Affidavits or statements from employee (4) Testimonies of witnesses (5) Official documents relating to appeal, grievance, or complaints (6) Correspondence from specific organization or persons.

CPSC-16

System name:

Employee Upward Mobility Counseling Files—CPSC-16.

System location:

Office of Equal Employment Opportunity and Minority Enterprise, 5401 Westbard Avenue, Washington, D.C. 20207.

Categories of individuals covered by the system:

All persons participating in the Upward Mobility Program.

Categories of records in the system:

This record contains information regarding the counseling of employees to assist them in enhancing their career in the Federal system; contains personal data on employees seeking advancement or Upward Mobility assignments.

Authority for maintenance of the system:

29 CFR Part 1613.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in these records is reviewed by the Upward Mobility Counselor and Director, OEEOME, in counseling and placing employees.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in hard copy.

Retrievability:

Records are indexed by name.

Safeguards:

Records are maintained in locked files in a secured area.

Retention and disposal:

Records are retained until employee reaches goal. Disposal is by normal procedures.

System manager(s) and address:

Director, Office of Equal Employment Opportunity and Minority Enterprise, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Notification procedure:

Freedom of Information/Privacy Act Officer, Office of the Secretary, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

Information in this record is furnished by the employee to whom it pertains and by employee's supervisors.

CPSC-17

System name:

Commissioned Officers Personal Data File—CPSC-17.

System location:

A complete record on every commissioned officer is maintained in the Regional Office to which the commissioned officer is assigned. Records concerning the commissioned officer's activities and performance are also maintained by the CPSC Regional Office to which the individual is assigned. Regional Office addresses are listed in Appendix I.

Categories of individuals covered by the system:

State employees commissioned as officers of CPSC.

Categories of records in the system:

The system contains documents related to the commissioning of the individual and personal data including name, social security number, date of birth, educational, background, employment history, security clearance information, medical information, fingerprints.

home address and phone number, duty station, service computation date and benefits information.

Authority for maintenance of the system:

Section 29(a)(2), Consumer Product Safety Act (15 U.S.C. 2078(a)(2)); E.O. 10450, sections 8(c), 9(a), 9(b); E.O. 10561.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(1) By agency officials for purposes of review in connection with appointments, reassignments, and determination of qualifications for reappointment of an individual.

(2) To provide statistical reports to Congress, agencies and the public on characteristics of the Commissioned officer program.

(3) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

(4) To provide information or disclose to a Federal or state agency, in response to its request, in connection with the hiring or retention of an employee, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(5) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a license, grant, or other benefit.

(6) Disclosure to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in file folders.

Retrievability:

Records are indexed by name.

Safeguards:

Records are located in lockable metal file cabinets or metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal:

The records are maintained and disposed of in accordance with Commission records management policies and procedures.

System manager(s) and address:

Regional Office Directors, Consumer Product Safety Commission, (Regional Office addresses are listed in Appendix I).

Notification procedure:

Freedom of Information/Privacy Act Officer, Office of the Secretary, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

Information in these records comes either from the individual to whom it pertains or from agency officials, CPSC supervisors, or state officials.

CPSC-18

System name:

Job Applicant Files—CPSC-18.

System location:

Consumer Product Safety Commission, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207.

Categories of individuals covered by the system:

Applicants for employment who have forwarded resumes or Standard Form 171's to the Commission.

Categories of records in the system:

These records contain personal data and job history in the form of a resume or Standard Form 171.

Authority for maintenance of the system:

FPM Chapters 333 and 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in these files is reviewed as vacancies occur for the purpose of placement.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in hard copy.

Retrievability:

Records are indexed alphabetically by name of applicant within general job categories.

Safeguards:

Records are maintained in locked file cabinets.

Retention and disposal:

Record are maintained up to two years and disposal is by normal procedures.

System manager(s) and address:

Chief, Employment Branch, Division of Personnel Management, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Notification procedure:

Freedom of Information/Privacy Act Officer, Office of the Secretary, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Contesting record procedures:

Same as notification.

Record source categories:

Information in this record is furnished by the person to whom it pertains.

CPSC-19

System name:

Labor Management Relations Files—CPSC-19.

System location:

Consumer Product Safety Commission, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207.

Categories of individuals covered by the system:

CPSC employees involved in union activity, whether in the capacity of an officer or a rank and file employee.

Categories of records in the system:

These records contain data relating to (1) employees involved in the maintenance of the labor-management program (2) employees presenting grievances under the collective bargaining agreement (3) employees involved in unfair labor practice charges pursuant to statute or (4) employees whose grievances are presented to arbitration.

Authority for maintenance of the system:

5 U.S.C. Chapter 71.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Materials in these records are used primarily for reference except in the case of grievances, unfair labor practice charges, and arbitrations, where information may be essential to prepare for a hearing.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are maintained in file folders.

Retrievability:

Those records are indexed by the names of the individuals on whom they are maintained.

Safeguards:

Records are located in a combination lock metal file cabinet and access is limited to those persons whose official duties require such access.

Retention and disposal:

The records are maintained up to two years after an employee has left the Consumer Product Safety Commission.

System manager(s) and address:

Chief, Labor and Employee Relations Branch, Division of Personnel Management, Consumer Product Safety Commission, Washington, D.C. 20207.

Notification procedure:

Freedom of Information/Privacy Act Officer, Office of the Secretary, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

Information in this record is furnished by:

- (1) Individual to whom the records pertain
- (2) Agency and/or Commission official
- (3) Affidavits or statements from employee
- (4) Testimony of witnesses
- (5) Official document relating to grievance
- (6) Correspondence from specific organization or persons.

CPSC-22

System name:

CPSC Management Information System--CPSC-22.

System location:

Consumer Product Safety Commission, Associate Executive Director for Administration, 5401 Westbard Avenue, Washington, D.C. 20207.

Categories of individuals covered by the system:

All CPSC employees.

Categories of records in the system:

The records contain information on work and leave hours charged by individual employees against CPSC programs, projects, and organization categories. The data included are: Program Codes, Project Codes, Organization Codes, Reporting Period, Employee Name and CPSC Employee Number, and hours charged.

Authority for maintenance of the system:

15 U.S.C. 2051 et seq.; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The records are used to produce periodic printed reports which show total employee time and costs allocated to Commission programs and projects by organizational elements. The cost information includes information derived from the Commission's accounting system. Some of the reports will display the time charged by individual employees by programs and projects within organizational elements.

These reports are distributed to CPSC managers and staff at all levels as a management tool to:

- (a) Inform project managers of time worked by individuals on specified program and project activities;
- (b) Assure accurate reporting and recording of time worked on Agency programs and projects;
- (c) Track the agency's work in terms of programs and projects;
- (d) Assist in the preparation of the CPSC Fiscal Year Operating Plan;
- (e) Assess achievement of planned goals established in the CPSC Fiscal Year Operating Plan;
- (f) Identify resource allocation deficiencies;
- (g) Provide an historical record of Agency program, project, and organization resource expenditures;
- (h) Assure effective distribution of staff skills for planned workloads;
- (i) Provide reports to top level management on Agency accomplishment.

Printed reports produced by the system are distributed to project leaders, management, and supervisory personnel within the Commission.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in hard copy, on computer punch cards, and on computer magnetic media.

Retrievability:

Records are retrievable by any of the data items on the records.

Safeguards:

Access to individual computer records is restricted to staff of the Associate Executive Director for Administration through the use of special computer identification codes. Hard copy individual records and punch cards are kept in locked file cabinets with access also restricted to the staff of the Associate Executive Director for Administration. Management Information System data will not be used as evidence against the supplying employee in employee performance evaluations or adverse actions.

Retention and disposal:

Individual hard copy employee records, punch cards, and computer records, other than time and cost totals, are retained for not more than one year. Disposal is accomplished through magnetic disc or magnetic tape erasure for computer-stored records, and direct disposal into trash for hard copy individual records and punch cards.

System manager(s) and address:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Notification procedure:

Freedom of Information/Privacy Act Officer, Office of the Secretary, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

Information in these records is furnished by the employees to whom it pertains.

CPSC-23

System name:

Health Unit Medical Records--CPSC-23.

System location:

CPSC Employee Health Unit, 5401 Westbard Avenue, Washington, D.C. 20207.

Categories of individuals covered by the system:

All CPSC Headquarters employees.

Categories of records in the system:

Medical records of CPSC employees who have received health care or health maintenance examinations in the Employee Health Unit, and names and addresses of relatives or friends of these employees to be contacted in case of emergency.

Authority for maintenance of the system:

5 U.S.C. 7901, 44 U.S.C. 3101.

Purpose(s):

- a. To document single incidences of walk-in patients, symptoms and treatment.
- b. To maintain a continuing history file on each patient.
- c. To document physical examinations, complete with histories and laboratory reports (physicals normally limited to CPSC laboratory and warehouse personnel whose work involves a possible health risk).
- d. For use by Health Unit nurses and doctors in the course of providing medical treatment and advice to Commission employees.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

- a. To report individual cases of certain diseases and injuries to Federal, state, and local health authorities, as required by law.
- b. To make available records of occupational injuries and illnesses to Federal and state health officials as required by law.
- c. To notify employee-designated relative or friend in case of health emergency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The records, primarily handwritten or typed cards and forms, plus EKG tracings mounted on forms, are stored in locked file cabinets.

Retrievability:

Filed alphabetically by patient's name.

Safeguards:

Access to records is limited to Health Unit personnel. Records are released only upon written request of the employee.

Retention and disposal:

Records are retained for duration of CPSC employment. On termination of employment records are given to employee or forwarded to employee's physician as requested by employee. If terminated employee does not take possession of his or her records or direct that they be forwarded to a physician, the records are sealed and sent to the Personnel Office for inclusion in the employee's official personnel folder, which is sent to the Federal Records Center in St. Louis, Missouri for retention, or to a new Federal employer, as appropriate.

System manager(s) and address:

Director, Division of Management Services, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Notification procedure:

Freedom of Information/Privacy Act Officer, Office of the Secretary, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Record access procedures:

Same as notification.

Contesting record procedures:

Same as notification.

Record source categories:

Information in this system of records is obtained from the employee to whom a record pertains, Health Unit personnel, an employee's personal physician when the employee approves, witnesses of accident or illness incidents, and medical records transferred from an employee's previous employer.

Appendix I—Regional Office Addresses

Southeastern Regional Office, 800 Peachtree Street, NE, Suite 210, Atlanta, Georgia 30308.

Midwestern Regional Office, 230 S. Dearborn Street, Room 2945, Chicago, Illinois 60604.

Southwestern Regional Office, 1100 Commerce Street, Room 1C10, Dallas, Texas 75242.

Northeastern Regional Office, 6 World Trade Center, Vesey Street, 6th Floor, New York, New York 10048.
Western Regional Office, 555 Battery Street, Room 416, San Francisco, California 94111.

Appendix II—Pertinent Record Systems of Other Agencies

Other Federal agencies maintain government-wide systems of records which may contain information about CPSC employees. Some of these records may be physically located at CPSC. These systems include:

1. Office of Personnel Management, OPM/GOVT-1, General Personnel Records (includes official personnel folders).
2. Office of Personnel Management, OPM/GOVT-2, Performance Appraisal Records.
3. Office of Personnel Management, OPM/GOVT-3, Adverse Action Records.
4. Office of Personnel Management, OPM/GOVT-4, Executive Branch Public Financial Disclosure Records (includes financial interest disclosure forms of CPSC employees subject to the Ethics in Government Act).
5. Office of Personnel Management, OPM/GOVT-5, Recruiting, Examining, and Placement Records.
6. Office of Personnel Management, OPM/GOVT-6, Personnel Research and Test Validation Records.
7. Office of Personnel Management, OPM/GOVT-7, Applicant Race, Sex, National Origin, and Disability Status Records.
8. Office of Personnel Management, OPM/GOVT-8, Confidential Statements of Employment and Financial Interests (contains CPSC employee's Form 219).
9. Office of Personnel Management, OPM/GOVT-9, File on Position Classification Review Requests (Appeals) and Grade and Pay Retention Appeals.
10. Federal Employment Management Agency, FEMA/GOVT-1, Uniform Identification System for Federal Employees Performing Essential Duties During Emergencies.
11. Equal Employment Opportunity Commission, EEOC/GOVT-1, Equal Employment Opportunity Complaint Records and Appeal Records.
12. Merit System Protection Board, MSPB/GOVT-1, Appeal and Case Records.
13. General Services Administration, GSA/GOVT-3, Travel Charge Card Program.

Title 16-Commercial Practices

Chapter II-Consumer Product Safety Commission

Subchapter A-General

PART 1014—POLICIES AND PROCEDURES IMPLEMENTING THE PRIVACY ACT OF 1974

- Sec.
- 1014.1 Purpose and scope.
 - 1014.2 Definitions.
 - 1014.3 Procedures for requests pertaining to individual records.
 - 1014.4 Requirements for identification of individuals making requests.
 - 1014.5 Disclosure of requested information to individuals.
 - 1014.6 Request for correction or amendment to a record.
 - 1014.7 Agency review of request for correction or amendment of a record.
 - 1014.8 Appeal of initial denial of access, correction or amendment.
 - 1014.9 Disclosure of record to a person other than the individual to whom it pertains.
 - 1014.10 Fees.
 - 1014.11 Penalties.
 - 1014.12 Specific exemptions.

Authority: Privacy Act of 1974 (5 U.S.C. 552a).

Source: 40 FR 53381, Nov. 18, 1975, unless otherwise noted.

§ 1014.1 Purpose and scope.

This part sets forth the regulations of the Consumer Product Safety Commission implementing the Privacy Act of 1974 (Pub. L. 93-579). The purpose of these regulations is to inform the public about records maintained by the Commission which contain personal information about individuals, and to inform those individuals how they may seek access to and correct records concerning themselves. These regulations do not apply to requests for information made pursuant to the Freedom of Information Act (except where such disclosures would constitute an invasion of privacy of an individual).

§ 1014.2 Definitions.

As used in this part:

(a) "Individual" means a person who is a citizen of the United States or an alien lawfully admitted for permanent residence.

(b) "Privacy Act" means the Privacy Act of 1974 (Pub. L. 93-579).

(c) "Record" means any item of personal information relating to an individual, such as educational, employment, financial or medical information.

(d) "Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any

determination about an identifiable individual.

(e) "System of records" or "records systems" means a group of records maintained by the Commission from which information may be retrieved by the name of an individual or some other individual identifier.

(f) "Maintain" includes the collection, use, storage, and dissemination of information.

§ 1014.3 Procedures for requests pertaining to individual records.

(a) Any individual may request the Commission to inform him or her whether a particular record system named by the individual contains a record pertaining to him or her. The request may be made by mail or in person during business hours (8:30 a.m. to 5 p.m.) to the Freedom of Information/Privacy Act Officer, Office of the Secretary, Consumer Product Safety Commission, 5461 Westbard Avenue, Bethesda, Maryland (mailing address: Consumer Product Safety Commission, Washington, DC 20207).

(b) An individual who believes that the Commission maintains a record pertaining to him or her but who cannot determine which record system may contain the record, may request assistance by mail or in person at the Office of the Secretary during business hours.

(c) A Commission officer or employee or former employee who desires to review or obtain a copy of a personnel record pertaining to him or her may make a request by mail or in person at the Division of Personnel's Processing Unit in Room 337, 5401 Westbard Avenue, Bethesda, Md. (mailing address: Consumer Product Safety Commission, Washington, DC 20207).

(d) Each individual requesting the disclosure of a record or a copy of a record shall furnish the following information to the extent known with the request to the Freedom of Information/Privacy Act Officer or the Division of Personnel's Processing Unit, as applicable:

- (1) A description of the record sought;
- (2) The approximate date of the record;
- (3) The name or other description of the record system containing the record;
- (4) Proof as required in § 1014.4 that he or she is the individual to whom the requested record relates; and
- (5) Any other information required by the notice describing the record system.

(e) An individual personally inspecting his or her records may be accompanied by other persons of his or her own choosing. The individual shall sign a written statement authorizing

disclosure of the record in the other person's presence.

(f) Any individual who desires to have a record concerning himself or herself disclosed to or mailed to another person may authorize that person to act as his or her agent for that specific purpose. The authorization shall be in writing, signed by the individual, and shall be notarized. An agent requesting the review or copy of another's record shall submit with the request the authorization and proof of his or her identity as required by § 1014.4(c).

(g) The parent of any minor individual or the legal guardian of any individual who has been declared by a court of competent jurisdiction to be incompetent, due to physical or mental incapacity or age, may act on behalf of that individual in any matter covered by this part. A parent or guardian who desires to act on behalf of such individual shall present suitable evidence of parentage or guardianship, by birth certificate, certified copy of a court order, or similar documents, and proof of the individual's identity in a form that complies with § 1014.4(c).

(h) An individual may request an accounting of all disclosures made to other persons or agencies of his or her record, except those disclosures made to law enforcement agencies pursuant to section (b)(7) of the Privacy Act [5 U.S.C. 552a(b)(7)]. A request for accounting, whenever made, shall be treated as a request for disclosure of records.

[40 FR 53381, Nov. 18, 1975, as amended at 53 FR 52405, Dec. 28, 1988]

§ 1014.4 Requirement for identification of individuals making requests.

The following proof of identity is required for requests for records made pursuant to § 1014.3:

(a) An individual seeking a record about himself or herself in person may establish his or her identity by the presentation of a single document bearing a photograph (such as a passport or driver's license) or by a presentation of two items of identification which do not bear a photograph but do bear both a name and address. An individual who cannot provide documentation of his or her identity may provide a written statement affirming his or her identity and the fact that he or she understands the penalties for making false statements (18 U.S.C. 1001 and 5 U.S.C. 552a(i)(3)).

(b) An individual seeking a record by mail shall include a statement signed by the individual and properly notarized, that he or she appeared before a notary

public and submitted proof of identity acceptable to the notary public.

(c) Requests made by an agent, parent, or guardian shall, in addition to establishing the identity of the minor or other person he or she represents as required by paragraphs (a) and (b) of this section, establish his or her agency, parentage, or guardianship by documentation.

(d) In any case in which the Commission determines that the proof of identity is not adequate, it may request the individual to submit additional proof of identity.

§ 1014.5 Disclosure of requested information to individuals.

(a) Upon submission of proof of identity, the Office of the Secretary or the Director of Resource Utilization, as applicable, shall promptly forward the request to the system manager who will promptly allow the individual to see and/or have a copy of the requested record or send a copy of the record to the individual by mail, as requested by the individual. If the individual asks to see the record, the record should be made available for review and/or copying at the location where the record is maintained, in the Office of the Secretary, or the Director of Resource Utilization, or at the nearest Area Office.

(b) If the system manager should determine, for any reason, that the requested records are exempt from the right of access, a notice of denial shall be sent to the requester stating the reasons for denial, and the requester's right to appeal the denial in accordance with the procedures set forth in § 1014.8 of these regulations.

§ 1014.6 Request for correction or amendment to a record.

(a) Any individual who has reviewed a record pertaining to himself or herself may request the Executive Director to correct or amend all or any part of the record.

(b) Each request for a correction or amendment of a record shall be in writing and shall contain the following information:

- (1) The name of the individual requesting the correction or amendment;
- (2) The name or other description of the system of records in which the record sought to be amended is maintained;
- (3) The location of that record in the system of records to the extent that it is known;
- (4) A copy of the record sought to be amended or a description of that record;

(5) A statement of the material in the record that should be corrected or amended;

(6) A statement of the specific wording of the correction or amendment sought; and

(7) A statement of the basis for the requested correction or amendment including any material that the individual can furnish to substantiate the reasons for the amendment sought.

[40 FR 53381, Nov. 18, 1975, as amended at 42 FR 22878, May 5, 1977]

§ 1014.7 Agency review of request for correction or amendment of record.

(a) Not later than 10 working days after the receipt of the request for the correction or amendment of a record under § 1014.6, the responsible Commission official shall acknowledge receipt of the request and inform the individual whether further information is required before the correction or amendment can be considered.

(b) The responsible Commission official will promptly review the request and either make the requested correction or amendment or notify the individual of his or her refusal to do so, including in the notification the reasons for the refusal, and the appeal procedures provided by § 1014.8.

(c) The responsible Commission official will make each requested correction or amendment to a record if that correction or amendment will correct anything within the record that is not accurate, relevant, timely, or complete. A copy of each corrected or amended record shall be furnished to the individual who requested the action. If an accounting of disclosure has been kept, all previous recipients of the record shall be notified of the correction and its substance.

§ 1014.8 Appeal of initial denial of access, correction or amendment.

(a) Any individual whose request for access, correction or amendment to a record is denied, in whole or in part, may appeal that decision within 30 working days to the Chairman, Consumer Product Safety Commission, Washington, D.C. 20207.

(b) The appeal shall be in writing and shall:

- (1) Name the individual making the appeal;
- (2) Identify the record to which access is sought or which is sought to be corrected or amended;
- (3) Name or describe the record system in which the record is contained;
- (4) Contain a short statement describing the correction or amendment sought;

(5) State the name and location of the Commission official who initially denied the correction or amendment; and

(6) State the date of the initial denial.

(c) Not later than 30 working days after the date on which the appeal is received, the Chairman shall complete a review of the appeal and make a final decision thereon. However, for good cause shown, the Chairman of the Commission may extend the 30-day period. If the Chairman so extends the period, he or she shall promptly notify the individual requesting the review that the extension has been made.

(d) If after review of an appeal request, the Chairman also refuses to amend the record or grant access to the record in accordance with the request, he or she shall send a written notice to the requester containing the following information:

(1) The decision and the reasons for the decision;

(2) The right of the requester to institute a civil action in a Federal District Court for judicial review of the decision; and

(3) The right of the requester to file with the Chairman a concise statement setting forth the reasons for his or her disagreement with the denial of the correction or amendment. A copy of the statement of disagreement shall be filed with the record in issue, and the record in issue shall be so marked as to indicate that there is a disagreement. The system manager shall make the statement of disagreement available to prior recipients of the disputed record to the extent that an accounting of disclosures was maintained, and to any person to whom the record is later disclosed, together with a brief statement, if deemed appropriate, of the reasons for denying the requested correction or amendment.

[40 FR 53381, Nov. 18, 1975, as amended at 42 FR 22878, May 5, 1977]

§ 1014.9 Disclosure of record to person other than the individual to whom it pertains.

(a) Any person or agency (other than an officer or employee of the Commission who has a need for individual records in the performance of his or her duty) seeking disclosure of personal records of another individual which are contained in a system of records shall submit a request in accordance with the Commission's Procedures for Disclosure of Production of Information under the Freedom of Information Act (16 CFR Part 1015, Subpart A).

(b) The determination of whether or not the requested disclosure is proper

will be made in accordance with the provisions of the Freedom of Information Act, as amended (5 U.S.C. 552) and the Commission's policies and procedures issued thereunder (16 CFR Part 1015).

[41 FR 30324, July 23, 1976]

§ 1014.10 Fees.

The Commission shall not charge an individual for the costs of making a search for a record, the costs of reviewing or copying a record, or the cost of correcting or amending a record.

§ 1014.11 Penalties.

Any person who makes a false statement in connection with any request for a record, or an amendment thereto, under this part, is subject to the penalties prescribed in 18 U.S.C. 494, 495, and 1001; and 5 U.S.C. 552a(i)(3).

§ 1014.12 Specific exemptions.

(a) Injury information. (1) The Bureau of Epidemiology maintains a file of Accident Reports (In-Depth Investigations) which are conducted on a sample of product related injuries reported to the Commission by selected

hospital emergency rooms by consumers through the Commission's "Hot-Line" telephone service and through written consumer complaints and by other means such as newspaper reports. The purpose of this record system is to compile accident statistics for analyzing the incidence and severity of product related injuries.

(2) Inasmuch as the maintenance of the record system listed in paragraph (a)(1) of this section is authorized by section 5 of the Consumer Product Safety Act (15 U.S.C. 2054) and the data are used solely as statistical records, the system is exempted from the requirements of the Privacy Act relating to making available the accounting of disclosures, correction or amendment of the record and the application of these rules to the system of records.

Specifically, the system is exempt from 5 U.S.C. 552a(c)(3); (d) (2) and (3); (e)(1); (e)(4) (G), (H) and (I); and (f). However, Accident Reports made by Commission employees are disclosable in accordance with paragraph (a)(3) of this section:

(3) Section 25(c) of the Consumer Product Safety Act (15 U.S.C. 2074(c))

provides that accident or investigation reports made by an officer or employee of the Commission shall be made available to the public in a manner which will not identify any injured person or any person treating him or her, without the consent of the person identified. Consequently, an accident or investigation report which identifies individuals is available to the injured party or the person treating him or her but would not be available for disclosure to a third party without the consent of the injured party or person treating him or her.

(4) Since accident or investigation reports are compiled only for statistical purposes and are not used in whole or in part in making any determination about an individual, they are exempted from the requirement to correct or amend a record as provided by subsection (d)(2) of the Privacy Act (5 U.S.C. 552a (d)(2)). Exceptions from this paragraph, insofar as they relate to amendments or additions, may be allowed by the Executive Director.

[40 FR 53381, Nov. 18, 1975, as amended at 42 FR 9161, Feb. 15, 1977]

COPYRIGHT OFFICE, LIBRARY OF CONGRESS

Prefatory Statement

The Copyright Office serves primarily as an office of public record. Section 705 of title 17 of the United States Code requires the Register of Copyrights to provide and keep in the Copyright Office records of all deposits, registrations, recordings, and other actions taken under title 17, and to prepare indexes of all such records. It also provides that such records and indexes, as well as the articles deposited in connection with completed copyright registrations and retained under the control of the Copyright Office, shall be open to public inspection. Therefore, information from these records and indexes is routinely disclosed to the public. Further, in accordance with 17 U.S.C. 706(a), copies may be made of the public records and indexes of the Copyright Office. In accordance with section 908(b) of title 17, the provisions of chapter 7 relating to the records and publications of the Copyright Office apply to records pertaining to mask works under chapter 9 of title 17 U.S.C.

The source for Copyright Office systems of records are, wherever possible, the individuals to whom the records pertain or their authorized agents. Copyright Office personnel frequently make additions or notations on Office records in the performance of their official duties. To the extent they add information on individuals to Office files, they should be considered sources of records. However, because of the volume of such additions and notations, Copyright Office personnel have not been cited specifically under the heading "source categories" in this Systems' Notice.

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CO-1

System name:

Master Index Card Files.

System location:

Copyright Office, Library of Congress, Washington, D.C. 20559.

Categories of individuals covered by the system:

Remitters of all cash received by the Office, and individuals who submit documents for recordation, whether or not accompanied by a remittance.

Categories of records in the system:

Records of material and remittances received; records of final disposition of cases (in the form of registration numbers or identity of other fee services), the amount charged and/or the amount refunded, if any. Last cards produced 9/14/85.

Authority for maintenance of the system:

17 U.S.C. 705, 708.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Office uses this system: (1) To keep a record of the receipt and disbursement of all incoming cash; (2) to locate cases in-process before the permanent catalog record is available; and (3) to prepare refund vouchers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

4 x 6 index cards in file cabinets.

Retrievability:

Alphabetically by remitter's name.

Safeguards:

These records are maintained in a room which is generally restricted to authorized personnel and locked during non-working hours. Limited, provisional public access to these records is allowed from 10 a.m. to 11 a.m., Monday through Friday, except legal holidays.

Retention and disposal:

Five Years from 9/14/85.

System manager(s) and address:

Section Head, Mail and Correspondence Control Section, Receiving and Processing Division, Copyright Office, Library of Congress, Washington, DC 20559.

Notification procedure:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559.

Record access procedures:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures:

See rules published in 37 CFR Part 204.

Record source categories:

Remitters or their authorized agents.

CO-2

System name:

Copyright In-Process System (COINS).

System location:

Copyright Office, Library of Congress, Washington, DC 20559.

Categories of individuals covered by the system:

Individuals who make fee service requests to the Office, including individuals who maintain deposit accounts.

Categories of records in the system:

If remittance received: Name of remitter, appropriate cross-references, title of work, amount received, amount used, class of application or fee service code, number of copies, nature of deposit code.

If deposit account: Name of deposit account holder, title of work, debit, credit notation, old balance, new balance, class of application or fee service code, number of copies, nature of deposit code.

Authority for maintenance of the system:

17 U.S.C. 705, 708.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Office uses these records: (1) To record copyright fee charges, reconcile deposits of fees and generate accounting reports; (2) to create a record of receipt of all fee service requests; (3) to determine the status of recently submitted requests, including the registration number assigned; (4) to send periodic statements to deposit account holders of their transactions with the Office; (3) to notify deposit account holders that their accounts have become depleted.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records kept from November 1, 1977. All such records are on computer discs and tapes.

Retrievability:

By name of remitter, title, deposit account holder, deposit account number, and transaction identification number.

Safeguards:

Records are stored on tapes and discs in a room which is restricted to authorized personnel and locked during nonworking hours. Computer access is by functional passwords which are restricted to personnel who require access to these records in the performance of their official duties.

Retention and disposal:

The computerized system is used to store transactions for at least six months, at which time the record is transferred to microfilm for permanent retention.

System manager(s) and address:

Section Head, Fiscal Control Section, Receiving and Processing Division, Copyright Office, Library of Congress, Washington, DC 20559.

Notification procedure:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559.

Record access procedures:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures:

See rules published in 37 CFR Part 204.

Record source categories:

Individuals who request fee services, including deposit account holders and Office charge sheets.

CO-3

System name:

Copyright Claims Registration Files.

System location:

Copyright Office, Library of Congress, Washington, DC 20559; Landover Center Annex, 1701 Brightseat Road, Landover, Md. 20785; Washington National Records Center, Washington, DC 20409.

Categories of individuals covered by the system:

Authors and other copyright owners, copyright claimants, applicants for registration or copyright renewal, or the authorized agents of such individuals.

Categories of records in the system:

Names and addresses of copyright claimants; certified statements pertaining to authorship, creation, publication, and other registration-related information; general correspondence pertaining to registration of claims to copyright.

Authority for maintenance of the system:

17 U.S.C. 705, 708.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Office uses these records: (1) In the preparation of search reports at the request of a member of the public; (2) to respond to requests by the public for information; (3) to correspond with applicants or otherwise process applications and related materials; (4) to monitor and control the flow of work in the Office; and (5) to establish and maintain a public record. It is the general policy of the Copyright Office to deny direct public inspection of in-process application forms and correspondence, and any related material forming part of a pending application, except upon the request of the copyright claimant or his/her authorized representative. However, information about the material facts alleged in the application will be given to the public upon request. Once registration of a copyright claim has been completed or refused at the final agency level, the registration and correspondence records pertaining to that claim are open for public inspection from 8:30 a.m. to 5 p.m., Monday through Friday, except legal holidays.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manila envelopes in file cabinets and on shelves; index cards in file cabinets; bound volumes and microform computer tapes and discs.

Retrievability:

Registration number, cross-referenced by name of author, name of claimant, and title of work in the Copyright Card Catalog and post-1977 automated catalog files; alphabetically by author's pseudonym (prior to 1938) in Pseudonym Card File; on computer terminals by correspondence control number, remitter's name and any entered cross-references; in the case of physical files, by correspondence control number on a bar code label attached to each file.

Safeguards:

With the exception of the Copyright Card Catalog and post-1977 automated catalog files, these records are maintained in areas that are restricted to authorized personnel. All records in this system are maintained in areas that are locked during nonworking hours.

Retention and disposal:

Retained permanently.

System manager(s) and address:

Section Head, Renewals Section, Examining Division, Copyright Office, Library of Congress, Washington, DC 20559; Section Head, Mail and Correspondence Control Section, Receiving and Processing Division, Copyright Office, Library of Congress, Washington, DC 20559; Section Head, Records Storage Section, and Section Head, Card Catalog Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559; Section Head, Technical Support, Cataloging Division, Copyright Office, Library of Congress, Washington, DC 20559.

Notification procedure:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559.

Record access procedures:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures:

See rules published in 37 CFR Part 204.

Record source categories:

Remitters or their authorized agents.

CO-4

System name:

Miscellaneous Correspondence Files.

System location:

Copyright Office, Library of Congress, Washington, DC 20559.

Categories of individuals covered by the system:

Individuals who have: (1) Written to the Copyright Office for general information about copyright; or (2) request fee services such as search reports, copies of records or additional certificates of copyright registration.

Categories of records in the system:

General correspondence, including, where appropriate, the requester's name and action taken by the Office.

Authority for maintenance of the system:

17 U.S.C. 407-410, 705, 706, 708

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Office uses these records: (1) To maintain a record of correspondence with individuals who address inquiries to the Office and with individuals who request fee services; (2) to record the removal and return of documents in a file by Office personnel; and (3) to control and monitor the processing of requests.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manila envelopes in file cabinets and on shelves, and, on occasion, 3 x 5 paper slips in a file cabinet.

Retrievability:

Alphabetically by correspondent's name.

Safeguards:

These records are maintained in areas that are restricted to authorized personnel and locked during nonworking hours.

Retention and disposal:

Some files are retained indefinitely, while others are only retained for 3 years.

System manager(s) and address:

Section Head, Certification and Documents Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559; Section Head, Mail and Correspondence Control Section, Receiving and Processing Division, Copyright Office, Library of Congress, Washington, DC 20559.

Notification procedure:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559.

Record access procedures:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures:

See rules published in 37 CFR Part 204.

Record source categories:

Individual to whom the record pertains, or their authorized agent.

CO-5**System name:**

Recorded Documents Files.

System location:

Copyright Office, Library of Congress, Washington, DC 20559.

Categories of individuals covered by the system:

Individuals who are parties to, or have submitted for recordation, assignments, licenses, notices of termination of transfer, and other documents pertaining to a copyright; notices of error in the name in a copyright notice; authors of anonymous and pseudonymous works in instances where any person having an interest in the copyright in such a work submits a statement identifying one or more authors of the work; authors of works in instances where any person having an interest in the copyright in a particular work submits a statement of the death of the author or a statement that the author is still living on a particular date.

Categories of records in the system:

Assignments, licenses, notices of termination of transfer, wills, statements of abandonment of copyright, affidavits (such as a statement with respect to the authorship of a work), agreements or contracts, and other documents pertaining to copyright ownership, statements of identity of an anonymous or pseudonymous author, statements of the date of death of an author or that the author is still living on a particular date, and notices of error in the name in a copyright notice.

Authority for maintenance of the system:

17 U.S.C. 203(a)(4), 205, 302, 304(c), 406(a)(2), 705.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records of recorded documents are open to public inspection from 8:30 a.m. to 5 p.m., Monday through Friday, except legal holidays. In addition, the Office uses these records to compile an index to documents received for recordation. The index to documents received and recorded through 1977 is located in the Copyright Card Catalog. Since January 1, 1978, access to assignment documents recorded after 1977 is available in the automated document catalog file.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Prior to recordation, records are maintained in manila envelopes in file cabinets. Once recorded, original documents are microfilmed and returned to the remitter. Copies of copyright assignments and related documents received prior to 1954 are in bound volumes as well as on microfilm.

Retrievability:

By the date the Office received the document and cross-referenced it in the Copyright Card Catalog or automated document catalog file by individual names and titles of works.

Safeguards:

Prior to recordation, documents and related materials are maintained in a room which is restricted to authorized personnel. All records are maintained in areas that are locked during nonworking hours.

Retention and disposal:

Retained permanently.

System manager(s) and address:

Supervisor, Documents Unit, Technical Support Section, Cataloging Division, Copyright Office, Library of Congress, Washington, DC 20559; and Section Head, Reference and Bibliography Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559.

Notification procedure:

Inquires about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559.

Record access procedures:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures:

See rules published in 37 CFR Part 204.

Record source categories:

Individual to whom the record pertains, such individual's authorized agent, and other parties to the document recorded, or such parties' authorized agents, as well as individuals having an interest in the copyright in a work which is the subject of the document submitted for recordation.

CO-6**System name:**

Motion Picture Agreement Files.

System location:

Copyright Office, Library of Congress, Washington, DC 20559.

Categories of individuals covered by the system:

Copyright depositors who have agreed to return to the Library one archival quality copy of any motion picture returned to the depositor if the Library of Congress requests such return within two years of the date of deposit.

Categories of records in the system:

Records contain the name and address of the depositor and the date on which the Motion Picture Agreement was executed by the Librarian of Congress.

Authority for maintenance of the system:

17 U.S.C. 407, 705.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Office uses these records to determine if the Library of Congress has a Motion Picture Agreement with the depositor of a motion picture. If the Library has such an agreement, the copy of the motion picture submitted will be returned to the remitter if a written request has been made. In the absence of such an agreement, the Office will retain the copy.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Upon receipt of these Agreements, the Deposits and Acquisitions Division transcribes some of the information in the agreements onto 3 x 5 cards, copies of which are then sent to the Performing Arts Section of the Copyright Office Examining Division.

Retrievability:

Alphabetically by depositor's name.

Safeguards:

These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

Retention and disposal:

Retained indefinitely.

System manager(s) and address:

Chief, Copyright Acquisitions Section, Deposits and Acquisitions Division, Copyright Office, Library of Congress, Washington, DC 20559.

Notification procedure:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559.

Record access procedures:

Request from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures:

See rules published in 37 CFR Part 204.

Record source categories:

Depositors' or their authorized agents.

CO-7**System name:**

Deposit Recordation File.

System location:

Copyright Office, Library of Congress, Washington, DC 20559.

Categories of individuals covered by the system:

Individuals who, without simultaneously applying for copyright registration, have submitted deposit copies in accordance with the provisions of 17 U.S.C. 407.

Categories of records in the system:

Title of work, edition statement, imprint, collation, in notice statement, depositor, depositor's address, number of copies received, and date received.

Authority for maintenance of the system:

17 U.S.C. 407, 705.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Office uses these records: (1) To keep a record of compliance with 17 U.S.C. 407; (2) to locate and correspond with those who have published works with notice of copyright, but who have not deposited the required copies; (3) to prepare weekly statistics on the number and nature of deposits received; and (4) to prepare search reports at the request of a member of the public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

4 x 6 cards in the cabinet and visible file.

Retrievability:

Alphabetically by depositor's name, author's name, and title of work.

Safeguards:

These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

Retention and disposal:

Retained permanently.

System manager(s) and address:

Chief, Deposits and Acquisitions Division, Copyright Office, Library of Congress, Washington, DC 20559.

Notification procedure:

Inquires about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559.

Record access procedures:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures:

See rules published in 37 CFR Part 204.

Record source categories:

Deposit copies submitted.

CO-8

System name:

Compliance Activity File.

System location:

Copyright Office, Library of Congress, Washington, DC 20559.

Categories of individuals covered by the system:

Individuals from whom the Office has demanded, in accordance with 17 U.S.C. 407, copies of works published with a notice of copyright in the United States. It also includes individuals whose works were found to be deposited in accordance with 17 U.S.C. 407 prior to a demand.

Categories of records in the system:

Author's name, title of work, publisher, copyright claimant, dates of initial and follow-up action.

Authority for maintenance of the system:

17 U.S.C. 407, 705.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Office uses these records to avoid sending out duplicate correspondence.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

4 by 6 index cards in a file cabinet.

Retrievability:

Alphabetically by title and claimant's name.

Safeguards:

These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

Retention and disposal:

Retained indefinitely.

System manager(s) and address:

Chief, Deposits and Acquisitions Division, Copyright Office, Library of Congress, Washington, DC 20559.

Notification procedure:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559.

Record access procedures:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures:

See rules published in 37 CFR Part 204.

Record source categories:

Printed bibliographies, publishers' catalogs, citations provided by the Library of Congress, published citations of the work, and Office personnel who have personally observed the item cited.

CO-9

System name:

Office Mailing Lists.

System location:

Copyright Office, Library of Congress, Washington, DC 20559.

Categories of individuals covered by the system:

Individuals who have frequent contact with the Copyright Office, or have asked to receive all Office information circulars, announcements, and other printed material prepared by the Office. Attorneys who are listed in the annual edition of the "American Bar Association Section of Patent, Trademark, and Copyright Law Committees" as members of the copyright-related committees are also included.

Categories of individuals covered by the system:

Names and address.

Authority for maintenance of the system:

17 U.S.C. 707.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Office uses these records to address and mail Office information circulars, announcements and other printed material. The regulations of the Office now provide that these mailing lists will not be disclosed to the public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manila folders in a file cabinet and computer print out sheets in a binder, stored in a desk drawer.

Retrievability:

Alphabetically by name.

Safeguards:

These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

Retention and disposal:

Individuals may request that their names be dropped from the list. The list is verified and updated periodically.

System manager(s) and address:

Section Head, Publications Section, Information and Reference Division, Copyright Office, Library of Congress Washington, DC 20559.

Notification procedure:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559.

Record access procedures:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures:

See rules published in 37 CFR Part 204.

Record source categories:

Individuals to whom the record pertains, Copyright Office records, trade reference sources, and annual edition of "American Bar Association Section of Patent Trademark and Copyright Law Committee."

CO-10

System name:

Freedom of Information Act and Privacy Act Requests and Disclosures File.

System location:

Copyright Office, Library of Congress, Washington DC 20559.

Categories of individuals covered by the system:

Individuals who have submitted Freedom of Information Act and/or Privacy Act requests in accordance with 37 CFR Parts 203 and 204.

Categories of records in the system:

Requests submitted under the Freedom of Information Act and/or Privacy Act; requests submitted under the Privacy Act for correction or amendment of Office records; and copies of the Office response to these requests.

Authority for maintenance of the system:

17 U.S.C. 701.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Office uses these records: (1) To maintain an accounting of Freedom of Information Act and/or Privacy Act requests and Office responses to these requests; (2) to maintain an accounting of requests submitted under the Privacy Act to correct or amend a record pertaining to an individual and the Office responses to these requests; (3) to compile the annual report required by the Freedom of Information Act; and (4) to review and compile the annual report required by the Privacy Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Manila folders in a file cabinet.

Retrievability:

Alphabetically by requester's name.

Safeguards:

These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

Retention and disposal:

Retained indefinitely.

System manager(s) and address:

Section Head, Information Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559.

Notification procedure:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559.

Record access procedures:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures:

See rules published in 37 CFR Part 204.

Record source categories:

Individuals to whom the record pertains, and Copyright Office records.

CO-11

System name:

Address File.

System location:

Copyright Office, Library of Congress, Washington, DC 20559.

Categories of individuals covered by the system:

Copyright claimants of record whose address has been requested by a member of the public.

Categories of records in the system:

Name and address of claimant of record, year date of address.

Authority for maintenance of the system:

17 U.S.C. 705.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Office uses these records to facilitate searching for address of copyright claimants when such addresses are requested by a member of the public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

3 x 5 index cards in file box.

Retrievability:

Alphabetically by claimant of record's name.

Safeguards:

These records are maintained in a room which is restricted to authorized personnel and is locked during nonworking hours.

Retention and disposal:

Retained indefinitely; however, obsolete addresses are disposed of as more current addresses are obtained.

System manager(s) and address:

Section Head, Reference and Bibliography Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559.

Notification procedure:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559.

Record access procedures:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures:

See rules published in 37 CFR Part 204.

Record source categories:

Copyright claimants, their authorized agents, phone books, and city directories.

CO-12

System name:

Bibliographic File.

System location:

Copyright Office, Library of Congress, Washington, DC 20559.

Categories of individuals covered by the system:

Well-known or prolific authors or authors of well-known works, in those instances where the Office determines that it would be in the public interest to preserve published copyright-related information about such authors.

Categories of records in the system:

Newspaper clippings, magazine articles, obituaries, book jackets and similar information.

Authority for maintenance of the system:

17 U.S.C. 705.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Office uses these records: (1) In the preparation of search reports compiled at the request of a member of the public; and (2) in the compilation of an index to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Folders in file cabinets.

Retrievability:

Alphabetically by author's name, law firm's name, or title of work.

Safeguards:

These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

Retention and disposal:

Retained permanently.

System manager(s) and address:

Section Head, Reference and Bibliography Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559.

Notification procedure:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559.

Record access procedures:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures:

See rules published in 37 CFR Part 204

Record source categories:

Magazines, newspapers, book jackets, trade reference sources, Copyright Card Catalog, applications and other materials.

CO-13

System name:

Secondary Transmissions by Cable Systems: Initial Notice of Identity and Changes File.

System location:

Copyright Office, Library of Congress, Washington, DC 20557.

Categories of individuals covered by the system:

Cable system owners who submit notices of identity for recordation in the Copyright Office, notices of ownership or control change, or notices of change in the signal carriage complement of cable systems.

Categories of records in the system:

Statement of identity and address of the person who owns the secondary transmission service, name and location of the primary transmitter or transmitters whose signals are regularly carried, changes in any of the preceding categories, and related correspondence.

Authority for maintenance of the system:

17 U.S.C. 111(d)(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Office uses these records: (1) In the preparation of search reports compiled at the request of a member of the public; and (2) in the preparation of internal statistical reports; and (3) to establish and maintain a public record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manila folders in locked file cabinet and microfilm (microjackets).

Retrievability:

Alphabetically by legal name of the owner of the cable system.

Safeguards:

These records are maintained in a room restricted to authorized personnel and locked during nonworking hours.

Retention and disposal:

Retained indefinitely.

System manager(s) and address:

Chief, Licensing Division, Copyright Office, Library of Congress, Washington, DC 20557.

Notification procedure:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20557.

Record access procedures:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures:

See rules published in 37 CFR Part 204.

Record source categories:

Individual to whom the record pertains or such individual's authorized agent.

CO-14

System name:

Secondary Transmissions by Cable Systems: Statements of Account.

System location:

Copyright Office, Library of Congress, Washington, DC 20557.

Categories of individuals covered by the system:

Owners of cable systems who file this, semi-annual statement of accounts required by 17 U.S.C. 111(d)(2).

Categories of records in the system:

Legal names and addresses of owners of cable systems, communities served by cable systems, call signs and locations of primary transmitters and related correspondence.

Authority for maintenance of the system:

17 U.S.C. 111(d)(2).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Office uses these records: (1) In the preparation of search reports compiled at the request of a member of the public; (2) to establish and maintain a public record; and (3) in the preparation of semi-annual compilations of statements of account which the Copyright Office must submit to the Copyright Royalty Tribunal as required by 17 U.S.C. 111(d)(2).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manila folders in a file cabinet and, after three years, microfilm.

Retrievability:

Alphabetically by legal name of the owner of the cable system, grouped according to accounting period and year.

Safeguards:

These records are maintained in a room restricted to authorized personnel and locked during nonworking hours.

Retention and disposal:

Retained indefinitely.

System manager(s) and address:

Chief, Licensing Division, Copyright Office, Library of Congress, Washington, DC 20557.

Notification procedure:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559.

Record access procedures:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures:

See rules published in 32 CFR Part 204.

Record source categories:

Individual to whom the record pertains or such individual's authorized agent.

CO-15

System name:

Cable System Videotape Transfer Contracts File.

System location:

Copyright Office, Library of Congress, Washington, DC 20557.

Categories of individuals covered by the system:

Individuals to whom a cable system has transferred a videotape of a program nonsimultaneously transmitted by it pursuant to a written, nonprofit contract providing for the equitable sharing of costs of such videotape and its transfer.

Categories of records in the system:

Transferor, transferee, title, date contract effective, date of recordation, location of cable system, notation of acknowledgement of receipt by the Copyright Office, related correspondence.

Authority for maintenance of the system:

17 U.S.C. 111(e)(2)(A).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Office uses these records: (1) In the preparation of search reports compiled at the request of a member of the public; and (2) to establish and maintain a public record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manila folders in file cabinet and on microfilm.

Safeguards:

These records are maintained in a room restricted to authorized personnel and locked during nonworking hours.

Retention and disposal:

Retained indefinitely.

System manager(s) and address:

Chief, Licensing Division, Copyright Office, Library of Congress, Washington, DC 20557.

Notification procedure:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20557.

Record access procedures:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures:

See rules published in 37 CFR Part 204.

Record source categories:

Parties to the transfer contracts or such parties' authorized agents.

CO-16**System name:**

Notice of Intention to Obtain Compulsory License for Making and Distributing Phonorecords Embodying Nondramatic Musical Works File.

System location:

Copyright Office, Library of Congress, Washington, DC 20557.

Categories of individuals covered by the system:

Individuals who file a notice of their intention to obtain a compulsory license for making and distributing phonorecords embodying nondramatic musical works.

Categories of records in the system:

Individual's name, name of copyright owner, titles, date of recording of notice, internal notation of date upon which the Office informally acknowledged receipt of the notice.

Authority for maintenance of the system:

17 U.S.C. 115(b)(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Office uses these records: (1) In the preparation of search reports compiled at the request of a member of the public (2) to establish and maintain a public records; and (3) in the preparation of internal statistical reports.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manila folders in file cabinet.

Retrievability:

Alphabetically by name of remitter and name of copyright owner.

Safeguards:

These records are maintained in a room restricted to authorized personnel and locked during nonworking hours.

Retention and disposal:

Retained indefinitely.

System manager(s) and address:

Chief, Licensing Division, Copyright Office, Library of Congress, Washington, DC 20557.

Notification procedure:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20557.

Record access procedures:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures:

See rules published in 37 CFR Part 204.

Record source categories:

Individual to whom the record pertains or such individual's authorized agent.

CO-17**System name:**

Jukebox License Applications.

System location:

Copyright Office, Library of Congress, Washington, DC 20557.

Categories of individuals covered by the system:

Jukebox operators who have applied for, and been issued, a jukebox license.

Categories of records in the system:

Name and address of operator, manufacturer, serial number or model number, model name, model year, charge per play, capacity, type of sound, person to be contracted for further information, number of jukeboxes, amount of remittance, and related correspondence.

Authority for maintenance of the system:

17 U.S.C. 110(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Office uses these records: (1) In the preparation of search reports compiled at the request of a member of the public (2) to establish and maintain a public record; and (3) in the preparation of internal statistical and accounting reports.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manila folders in a file cabinet and, after three years, microfilm.

Retrievability:

Alphabetically by name of owner, grouped by year.

Safeguards:

These records are maintained in a room restricted to authorized personnel and locked during nonworking hours.

Retention and disposal:

Retained indefinitely.

System manager(s) and address:

Chief, Licensing Division, Copyright Office, Library of Congress, Washington, DC 20557.

Notification procedure:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist Information Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20557.

Record access procedures:

Requests from individuals should be in writing, addressed to the official designated under "Notification procedure."

Contesting record procedures:

See rules published in 27 CFR Part 204.

Record source categories:

Individual to whom the record pertains or such individual's authorized agent.

CO-18**System name:**

Voluntary Licensing Agreements File.

System location:

Copyright Office, Library of Congress, Washington, DC 20557.

Categories of individuals covered by the system:

Individuals who submit for recordation voluntary licensing agreements between: (1) Copyright owners of published nondramatic musical works and published pictorial, graphic, and sculptural works and public broadcasting entities; and (2) copyright owners of nondramatic literary works and public broadcasting entities.

Categories of records in the system:

Copies of actual agreements submitted for recordation, copies of registration certificates of record, and related correspondence.

Authority for maintenance of the system:

17 U.S.C. 118(b)(2) and (e)(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Office uses these records: (1) In the preparation of search reports compiled at the request of a member of the public; (2) in the preparation of internal statistical reports; and (3) to establish and maintain a public record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manila folders in a file cabinet and on microfilm.

Retrievability:

Alphabetically by names of copyright owners and public broadcasting entities.

Safeguards:

These records are maintained in a room restricted to authorized personnel and locked during nonworking hours.

Retention and disposal:

Retained indefinitely.

System manager(s) and address:

Chief, Licensing Division, Copyright Office, Library of Congress, Washington, DC 20557.

Notification procedure:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559.

Record access procedures:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures:

See rules published in 37 CFR Part 204.

Record source categories:

Parties to voluntary licensing agreements or such parties' authorized agents.

CO-19

System name:

Licensing Division Correspondence File.

System location:

Copyright Office, Library of Congress, Washington, DC 20557.

Categories of individuals covered by the system:

Individuals who send letters of transmittal and other incidental Licensing Division correspondence.

Categories of records in the system:

General correspondence.

Authority for maintenance of the system:

17 U.S.C. 111, 115, 116, 118, 705.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Office uses these records to maintain a record of incidental correspondence with the Licensing Division.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manila folders in file cabinet.

Retrievability:

Alphabetically by correspondent's name.

Safeguards:

These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

Retention and disposal:

Records are kept in the open file until a reply is received or until the case is closed. Records in the closed file are retained indefinitely.

System manager(s) and address:

Chief, Licensing Division, Copyright Office, Library of Congress, Washington, DC 20557.

Notification procedure:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedures:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedures:

See rules published in 37 CFR Part 204.

Record source categories:

Individual to whom the record pertains or such individual's authorized agent.

CO-20

System name:

Secondary Transmissions by Cable Systems: Correspondence Files.

System location:

Licensing Division, Copyright Office, Library of Congress, Washington, DC 20557.

Categories of individuals covered by the system:

Cable systems owners and other individuals who correspond with the Licensing Division, the Copyright Office General Counsel or the Register of Copyrights concerning the administration of the cable compulsory licensing system in section 111 of title 17 U.S.C.

Categories of records in the system:

Correspondence.

Authority for maintenance of the system:

17 U.S.C. 111, 705.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Office maintains these records to facilitate public access to correspondence of the Licensing Division, Copyright Office General Counsel and the Register of Copyrights on the administration of the section 111 compulsory licensing system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manila folders in a file cabinet and binders.

Retrievability:

Correspondence usually accessible by date letter sent to member of public.

Safeguards:

These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

Retention and disposal:

Records are retained indefinitely.

System manager(s) and address:

Chief, Licensing Division, Copyright Office, Library of Congress, Washington, DC 20557.

Notification procedure:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559.

Record access procedures:

Requests from individuals should be in writing addressed to the official designated under "Notification Procedure."

Contesting record procedures:

See rules published in 37 CFR Part 204.

Record source categories:

Licensing Division personnel, the Copyright Office General Counsel and the Register of Copyrights.

CO-21

System name:

Mask Work Registration Files.

System location:

Copyright Office, Library of Congress, Washington, DC 20559.

Categories of individuals covered by the system:

Mask work owners, applicants for mask work registration, or the authorized agents of such individuals.

Categories of records in the system:

Names and addresses of mask work owners; certified statements pertaining to creation, commercial exploitation, ownership, and other registration-related information; general correspondence pertaining to registration of mask work claims.

Authority for maintenance of the system:

17 U.S.C. 908(b), 705.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Office uses these records: (1) In the preparation of search reports at the request of a member of the public; (2) to respond to requests by the public for information; (3) to correspond with applicants or otherwise process applications and related materials; (4) to monitor and control the flow of work in the Office; and (5) to establish and maintain a public record. It is the general policy of the Copyright Office to deny direct public inspection of in-process application forms and correspondence, and any related material forming

part of a pending application, except upon the request of the mask work owner or his/her authorized representative. However, information about the material facts alleged in the application will be given to the public upon request. Once registration of a claim to mask work protection has been completed or refused at the final agency level, the registration and correspondence records pertaining to that claim are open for public inspection from 8:30 a.m. to 5:00 p.m., Monday through Friday, except legal holidays.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manila envelopes in file cabinets and on shelves; computer tapes and discs; and microform.

Retrievability:

Registration number, cross-referenced by name of owner and title of work in the automated or microform catalog files; by correspondence control number, applicant's name, title of work, and any entered cross-references in the automated correspondence management system, by fee service number, applicant's name, title of work, and any entered cross-references in the automated receipts in-process system; in the case of physical files, by correspondence control number on a bar code label attached to each file, for in-process files, and by applicant's name for closed correspondence files.

Safeguards:

Automated records are available at computer terminals located throughout the Library of Congress. Physical records are maintained in areas that are restricted to authorized personnel. All records in this system are maintained in areas that are locked during nonworking hours.

Retention and disposal:

Retained permanently.

System manager(s) and address:

Supervisor, Mask Work Unit, Examining Division, Department MW, Library of Congress, Washington, DC 20540.

Notification procedure:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559.

Record access procedures:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure".

Contesting record procedures:

See rules published in 37 CFR Part 204.

Record source categories:

Applicants or their authorized agents.

CO-22

System name:

Mask Work Recorded Documents Files.

System location:

Individuals who are parties to, or have submitted for recordation, assignments, licenses, and other documents pertaining to a mask work.

Categories of records in the system:

Assignments, licenses, wills, agreements or contracts, and other documents pertaining to mask works.

Authority for maintenance of the system:

17 U.S.C. 908(b), 705.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records of recorded documents are open to public inspection from 8:30 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. In addition, the Office uses these records to compile an index to recorded documents, which is interfiled in the automated catalog files.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Prior to recordation, records are maintained in manila envelopes in file cabinets. Once recorded, original documents are microfilmed and returned to the applicant. Mask work documents appear on separate reel(s) of microfilm; they are not interspersed with copyright-related documents.

Retrievability:

Before recordation, by date the Office received the document; after recordation, cross-referenced in the automated catalog files by names of parties and titles of works.

Safeguards:

Prior to recordation, documents and related materials are maintained in a room which is restricted to authorized personnel. Automated records are available at computer terminals located throughout the Library of Congress. All records are maintained in areas that are locked during nonworking hours.

Retention and disposal:

Retained permanently.

System manager(s) and address:

Supervisor, Documents Unit, Cataloging Division, Copyright Office, Library of Congress, Washington, DC 20559.

Notification procedure:

Inquiries about an individual's record should be in writing and addressed to the Supervisory Copyright Information Specialist, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559.

Record access procedures:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure".

Contesting record procedures:

See rules published in 37 CFR Part 204.

Record source categories:

Individual to whom the record pertains, such individual's authorized agent, and other parties named in the document recorded, or such parties' authorized agents, as well as individuals having an interest in the mask work which is the subject of the document submitted for recordation.

Title 37—Patents, Trademarks, and Copyrights

Chapter II—Copyright Office, Library of Congress

PART 204—PRIVACY ACT: POLICIES AND PROCEDURES

Sec.

- 204.1 Purposes and scope.
- 204.2 Definitions.
- 204.3 General policy.
- 204.4 Procedures for notification of the existence of records pertaining to individuals.
- 204.5 Procedures for requesting access to records.
- 204.6 Fees.
- 204.7 Requests for correction or amendment of a record.
- 204.8 Appeal of refusal to correct or amend an individual's record.
- 204.9 Judicial review.

Authority: Copyright Act, Pub. L. 94-553, 90 Stat. 2541-2602 (17 U.S.C. 101-710).

Source: 43 FR 776, Jan. 4, 1978, unless otherwise noted.

§ 204.1 Purposes and scope.

The purposes of these regulations are:

- (a) The establishment of procedures by which an individual can determine if the Copyright Office maintains a system of records in which there is a record pertaining to the individual; and
- (b) the establishment of procedures by which an individual may gain access to a record or information maintained on that individual and have such record or information disclosed for the purpose of review, copying, correction, or amendment.

§ 204.2 Definitions.

For purposes of this Part:

- (a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;
- (b) The term "maintain" includes maintain, collect, use, or disseminate;
- (c) The term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history, and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;
- (d) The term "system of records" means a group of any records under the control of any agency from which information is retrieved by the name of the individual; and
- (e) The term "routine use" means, with respect to the disclosure of a

record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 204.3 General policy.

The Copyright Office serves primarily as an office of public record. Section 705 of Title 17, United States Code, requires the Copyright Office to open for public inspection all records of copyright deposits, registrations, recordings, and other actions taken under Title 17. Therefore, a routine use of all Copyright Office systems of records created under section 705 of Title 17 is disclosure to the public. All Copyright Office systems of records created under section 705 of Title 17 are also available for public copying as required by section 706(a), with the exception of copyright deposits, whose reproduction is governed by section 706(b) and the regulations issued under that section. In addition to the records mandated by section 705 of Title 17, the Copyright Office maintains other systems of records which are necessary for the Office effectively to carry out its mission. These systems of records are routinely consulted and otherwise used by Copyright Office employees in the performance of their duties. The Copyright Office will not sell, rent, or otherwise make publicly available any mailing list prepared by the Office.

[47 FR 36821, Aug. 24, 1982]

§ 204.4 Procedure for notification of the existence of records pertaining to individuals.

(a) The Copyright Office will publish in the **Federal Register**, upon the establishment or revision of the system of records, notices of all Copyright Office systems of records subject to the Privacy Act, as provided by 5 U.S.C., section 552a(e)(4). Individuals desiring to know if a Copyright Office system of records contains a record pertaining to them should submit a written request to that effect either by mail to the Supervisory Copyright Information Specialist, Information and Publishing Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559, or in person between the hours of 9 a.m. and 4 p.m. on any working day except legal holidays at Room LM-401, The James Madison Memorial Building, 1st and Independence Avenue, SE, Washington, DC.

(b) The written request should identify clearly the system of records which is the subject of inquiry, by reference, whenever possible, to the system number and title as given in the notices of systems of records in the **Federal Register**. Both the written request and

the envelope carrying it should be plainly marked 'Privacy Act Request'. Failure to so mark the request may delay the Office response.

(c) The Office will acknowledge all properly marked requests within ten working days of receipt and will notify the requester within 30 working days of receipt of the existence of non-existence of records pertaining to the requester.

(d) Since all Copyright Office Records created under section 705 of Title 17 are open to public inspection, no identity verification is necessary for individuals who wish to know whether a system of records created under section 705 pertains to them.

[43 FR 776, Jan. 4, 1978, as amended at 47 FR 36821, Aug. 24, 1982; 50 FR 32697, Aug. 14, 1985]

§ 204.5 Procedures for requesting access to records.

(a) Individuals desiring to obtain access to Copyright Office information pertaining to them in a system of records other than those created under section 705 of Title 17 should make a written request, signed by themselves or their duly authorized agent, to that effect either by mail to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559, or in person between the hours of 8:30 a.m. and 5 p.m. on any working day except legal holidays at Room LM-401, The James Madison Memorial Building, 1st and Independence Avenue, SE, Washington, D.C.

(b) The written request should identify clearly the system of records which is the subject of inquiry, by reference, whenever possible, to the system number and title as given in the notices of systems of records in the **Federal Register**. Both the written request and the envelope carrying it should be plainly marked "Privacy Act Request." Failure to so mark the request may delay the Office response.

(c) The Office will acknowledge all properly marked requests within ten working days of receipt; and will notify the requester within 30 working days of receipt when and where access to the record will be granted. If the individual requested a copy of the record, the copy will accompany such notification.

[43 FR 776, Jan. 4, 1978, as amended at 47 FR 36821, Aug. 24, 1982]

§ 204.6 Fees.

(a) The Copyright Office will provide, free of charge, one copy to an individual

of any record pertaining to that individual contained in a Copyright Office system of records, except where the request is for a copy of a record for which a specific fee is required under section 708 of Title 17 of the United States Code, in which case that fee shall be charged. For additional copies of records not covered by section 708 the fee will be computed at the rate of \$.45 per page for 24 pages or less, and \$.40 per page for 25 pages or more with a minimum fee of \$6.00. The Office will require prepayment of fees estimated to exceed \$25.00 and will remit any excess paid or bill an additional amount according to the differences between the final fee charged and the amount prepaid. When prepayment is required, a request is not deemed 'received' until prepayment has been made.

(b) The Copyright Office may waive the fee requirement whenever it determines that such waiver would be in the public interest.

[43 FR 776, Jan. 4, 1979, as amended at 47 FR 36821, Aug. 24, 1982]

§ 204.7 Request for correction or amendment of records.

(a) Any individual may request the correction or amendment of a record pertaining to her or him. With respect to an error in a copyright registration, the procedure for correction and fee chargeable is governed by section 408(d) of Title 17 of the United States Code, and the regulations issued as authorized by that section. With respect to an error in any other record, the request shall be

in writing and delivered either by mail addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559, or in person between the hours of 8:30 a.m. and 5 p.m. on any working day except legal holidays, at Room LM-401, The James Madison Memorial Building, 1st and Independence Avenue, SE, Washington, D.C. The request shall explain why the individual believes the record to be incomplete, inaccurate, irrelevant, or untimely.

(b) With respect to an error in a copyright registration, the time limit for Office response to requests for correction is governed by section 408(d) of Pub. L. 94-553, and the regulations issued as authorized by that section. With respect to other requests for correction or amendment of records, the Office will respond within 10 working days indicating to the requester that the requested correction or amendment has been made or that it has been refused. If the requested correction or amendment is refused, the Office response will indicate the reason for the refusal and the procedure available to the individual to appeal the refusal.

[43 FR 776, Jan. 4, 1978, as amended at 47 FR 36821, Aug. 24, 1982]

§ 204.8 Appeal of refusal to correct or amend an individual's record.

(a) An individual has 90 calendar days from receipt of the Copyright Office's response to appeal the refusal to correct or amend a record pertaining

to the individual. The individual should submit a written appeal to the Register of Copyright, Copyright Office, Library of Congress, Washington, D.C. 20559 for the final administrative determination. Appeals, and the envelopes carrying them, should be plainly marked "Privacy Act Appeal". Failure to so mark the appeal may delay the Register's response. An appeal should contain a copy of the request for amendment or correction and a copy of the record alleged to be untimely, inaccurate, incomplete or irrelevant.

(b) The Register will issue a written decision granting or denying the appeal within 30 working days after receipt of the appeal unless, after showing good cause, the Register extends the 30 day period. If the appeal is granted, the requested amendment or correction will be made promptly. If the appeal is denied, in whole or part, the Register's decision will set forth reasons for the denial. Additionally, the decision will advise the requester that he or she has the right to file with the Copyright Office a concise statement of his or her reasons for disagreeing with the refusal to amend the record and that such statement will be attached to the requester's record and included in any future disclosure of such record.

§ 204.9 Judicial Review.

Within two years of the receipt of a final adverse administrative determination, an individual may seek judicial review of that determination as provided in 5 U.S.C. 552a(g)(1).

COPYRIGHT ROYALTY TRIBUNAL

System name: Location Lists of Coin-Operated Phonorecord Players (Jukeboxes).

System location: Copyright Royalty Tribunal, 1111 20th Street, NW, Washington, D.C. 20036.

Categories of individuals covered by the system: Operators of Coin-operated Phonorecord Players (Jukeboxes).

Categories of records in the system: Location of coin-operated phonorecord players.

Authority for maintenance of the system: 17 U.S.C. 116(C)(5).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To establish location records so that persons who can reasonably be expected to have a royalty claim to the license fee paid by coin-operated phonorecord

players may have access to establishments and jukeboxes to determine the proportion of contribution of their musical works to the earnings of jukeboxes by survey or otherwise.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders in locked metal cabinets.

Retrievability: By jukebox location.

Safeguards: Locked in metal cabinets, access only for operators who have submitted such records, through Tribunal personnel.

Retention and disposal: Such records will be retained until they are no longer considered necessary by the Tribunal and then shredded.

System manager(s) and address: Chairman, Copyright Royalty Tribunal.

Notification procedure: Contact Systems Manager.

Record access procedures: Contact Systems Manager.

Title 37-Patents, Trademarks, and Copyrights

Chapter III-Copyright Royalty Tribunal

PART 301-COPYRIGHT ROYALTY TRIBUNAL RULES OF PROCEDURE

Subpart C-Public Access to and Inspection of Records

Source: 43 FR 53719, Nov. 17, 1978.

§ 301.24 Privacy Act.

(a) The Privacy Act of 1974 (Pub. L. 93-579) 5 U.S.C. 552(a), concerns only requests which contain personal information retrievable by a personal identified. This section does not apply to personnel records located in Government-wide systems elsewhere.

The purpose of the Privacy Act is to enable individuals to:

- (1) Learn if the Tribunal maintains records concerning them;
- (2) Have access to such records;
- (3) Learn if and to whom the Tribunal has disclosed such records; and
- (4) Amend such records.

The Tribunal, in compliance with paragraph (a)(4) of this section, will record the disclosures of all records, their dates, the material disclosed, and

to whom the material has been disclosed.

(b) A request made under the Privacy Act must be in writing, captioned "Privacy Act Request," and identify as accurately as possible the records in question and the nature of the information desired. This section is not to be construed as allowing an individual access to information compiled in reasonable anticipation of a civil action or proceeding.

(c) The request must be signed by the person making it, and such signature will be considered certification that the person signing is either the individual involved or that person's guardian. If the Chairman considers it necessary, he may require additional verification. Section 552(a)(i)(3) of the Privacy Act; 5 U.S.C. 552(a)(i)(3), states the penalties for false representation.

(d) If a medical record is involved and the chairman feels that its disclosure might adversely affect the individual, he shall require that person to designate a medical doctor to whom the record will be transmitted.

(e) Within 10 working days after the Tribunal has received such a request, the Chairman shall acknowledge its receipt to the requester and within 30

days shall inform the requester how the records may be inspected and the cost for copying, unless the records are exempted under § 301.21(c).

(f) If an individual who has obtained access to personal records wishes to have those records amended, he or she must make such a request in writing, state the nature of the information desired amended, and cite the reasons. Within 10 working days after the Tribunal has received such a request, the Chairman shall acknowledge its receipt and inform the requester whether or not the request has been granted. If the request is denied, the Chairman shall explain why and inform the requester of the right to appeal the denial to the Tribunal. All appeals must be in writing, with the caption "Privacy Act Appeal," and the Chairman will inform the requester of their disposition within 30 working days, unless there is good cause for the time to be extended. If the appeal is denied the requester will be notified of the provision for judicial review under 5 U.S.C. 552(b).

(g) Exempt from this section is all investigatory material compiled for law enforcement purposes as stipulated in 5 U.S.C. 552(k)(2).

ENVIRONMENTAL PROTECTION AGENCY

PREFATORY STATEMENT OF GENERAL ROUTINE USES

The following routine uses apply to and are incorporated by reference into each system of records set forth below:

1. In the event that a record within this system of records maintained by the Environmental Protection Agency indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

5. A record from this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual when the Member of Congress informs the System Manager that the individual to whom the record pertains has authorized the Member of Congress to have access to the record.

EPA-1

System name:

Payroll System (EPAYS; Payroll Accounting Master File; and Detail History File).

System location:

EPA National Computer Center, Research Triangle Park, NC 27711; HSMA Computer Facility, HHS, Parklawn Bldg., Rockville, MD 20823; Financial Management Division, EPA, 401 M St., SW, Washington, DC 20460.

Categories of individuals covered by the system:

EPA employees.

Categories of records in the system:

Salary and related payroll cost data and reports.

Authority for maintenance of the system:

5 U.S.C. 301; 44 U.S.C. 3301; Title 6, GAO Policy and Procedures Manual, pursuant to 31 U.S.C. 66(a) and sections 112(a) and 113 of the Budget and Accounting Procedures Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To conduct all necessary and appropriate intra-agency payroll activities. To furnish information requested by the U.S. Treasury for it to issue paychecks and distribute pay according to employees' directions. To report tax withholding to IRS and appropriate State and local taxing authorities; FICA deduction to SSA, dues deductions to labor unions; withholdings for health and life insurance to insurance carriers and U.S. O.P.M.; charity contribution deductions to agents of charitable institutions; annual W-2 statements to taxing authorities and the individual.

For additional routine uses see routine use paragraphs in Prefatory Statement to EPA systems published in 40 FR 43194 (September 18, 1975).

Disclosure to consumer reporting agencies:

Disclosure to credit reporting agencies: Pursuant to 5 U.S.C. 552a (b)(12), disclosure may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer records maintained on tape, others on paper.

Retrievability:

Name and employee number.

Safeguards:

Paper records in locked metal file cabinets and automated filing banks within locked room.

Retention and disposal:

Retained and disposed of according to EPA Records Control Schedules.

System manager(s) and address:

Chief, Payroll Accounts Office, EPA, 401 M St., SW, Washington, D.C. 20460.

Notification procedure:

Inquiries may be addressed to System Manager.

Record access procedures:

Requests should be addressed to System Manager.

Contesting record procedures:

Requests should be addressed to System Manager.

Record source categories:

Individuals, supervisors, timekeepers, official personnel records, IRS.

EPA-2

System name: General Personnel Records--EPA

System location: (a) Personnel Management Division, EPA 401 M St., SW, Washington, D.C. 20460.

(b) EPA, Rm. 2211, John F. Kennedy Federal Bldg., Boston, MA 02203

(c) EPA, Rm. 1032, 26 Federal Plaza, New York, NY 10007

(d) EPA, Curtis Bldg., 6th and Walnut Sts., Phila., PA, 19106

(e) EPA, Suite 300, 1421 Peachtree St., NE, Atlanta, GA, 30309

(f) EPA, 230 S. Dearborn, Chicago, IL, 60604

(g) EPA, 1600 Patterson St., Suite 1100, Dallas, TX, 75202

(h) EPA, 1735 Baltimore Ave., Kansas City, MO 64108

(i) EPA, Lincoln Tower Bldg., 1860 Lincoln St., Denver, CO, 80203

(j) EPA, 100 California St., San Francisco, CA, 94111

(k) EPA., 1200 Sixth St., Seattle, WA, 98101

(l) EPA Laboratory, P.O. Box 15027, Las Vegas, NV, 89114

(m) EPA Laboratory, 5555 Ridge Ave., Cincinnati, OH, 45268

(n) EPA, Research Triangle Park, NC 27711

(o) EPA, Office of Mobile Source Air Pollution Control, 2565 Plymouth Rd., Ann Arbor, MI, 48105

Categories of individuals covered by the system: Employees of EPA and applicants for EPA employment.

Categories of records in the system: Nonpermanent personnel records not required to be maintained by the CSC.

Authority for maintenance of the system: 5 U.S.C. 301, implemented by 5 CFR Parts 293 and 297.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information in the records are used to carry out authorized personnel programs. Routine use include: Review of employment histories of employees and applicants. Identification of high potential employees designated under the Agency executive development program.

Review of developmental needs of high potential employees and current managers GS-15 and above. Review of status of employees participating in special counseling or developmental programs. Identification of candidates for job vacancies.

The records system may include files covering employee relations, individual development plans for high potential employees, individual development plans for current manager GS-15 and above, ACCENT program, Academic Career Advancement program, counseling programs, exit interviews, and voluntary applications. All of the above files are not maintained at each Headquarters/field location. Also see routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders and generally, in locked cabinets.

Retrievability: Indexed by name.

Safeguards: Access to and use of is limited to those persons whose official duties require such access.

Retention and disposal: Records of employees are kept manually and are generally maintained until the individual terminates his employment with EPA. Records of applicants are kept manually and are destroyed or returned after one year.

System manager(s) and address: For records at location (a)—Director, Personnel Management Division, (address as given in Systems location above). For records located at (b) to (o)—Personnel Officers (address as given in Systems location above).

Notification procedure: Inquiries may be addressed to System Manager.

Record access procedures: Requests should be addressed to System Manager.

Contesting record procedures: Requests should be addressed to System Manager.

Record source categories: Information in this system comes from the individual to whom it applies or is derived from information provided by Agency officials.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(5), all information and material in the record which meets the criteria of these subsections are or may be exempted from the notice, access, and contest requirements.

EPA—3

System name: Health Unit and Stress Lab Medical Records—EPA

System location: EPA Health Unit, Room 3228, WSM, and EPA Stress Lab, Room 2915, WSM, 401 M Street, SW, Washington, D.C. 20460.

Categories of individuals covered by the system: EPA employees, contract employees, and EPA visitors requiring or requesting medical attention and full-time EPA employees participating in Stress Lab.

Categories of records in the system: OMB Circular No. A-78, EPA Contract for Health Care.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To document single incidences of walk-in patients, symptoms and treatment, and to maintain a continuing history file on each patient. To document the treatment of those patients requiring the recurring administration of allergy shots and other shots, such as travel immunizations. To document physicals, complete with histories and lab reports, of those 500 employees so examined annually. (Physicals limited to those in grades 14 and above and those over age 40 in grades 11, 12, and 13.) To document requested screenings of patients for various illnesses and conditions through the use of diagnostic tools and tests. For referral of patients to private doctors for treatment, as indicated. To evaluate cardiac status of exercise program participants and the individual desirability of such a program. To detail for patient and personnel specifics and exercise treatment program.

Users of the system are restricted to contracted health personnel, patients, and, upon patient approval, to the patient's private doctor. Also see routine use paragraphs in Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records, primarily handwritten or typed cards, forms, files, and EKG graphs, are stored in locked file cabinets.

Retrievability: Indexed by name.

Safeguards: Access to and use of system is limited to Health Unit and Stress Lab personnel, patients, and, upon patient approval, the patient's doctor. All materials are under lock and key. (Records relating to psychiatric matters may not be made available to a patient, if the physician deems it imprudent, but may be released upon patient approval to the patient's designated physician.)

Retention and disposal: Records maintained until employee leaves Agency, when employee may take permanent possession of same. Should employee not take possession, sealed records are sent to Personnel Office for inclusion in official personnel folder, which is sent to Federal Records Center in St. Louis for retention or to new Federal employer, as appropriate.

System manager(s) and address: Assistant Director for Operations, Personnel Management Division, EPA 401 M St., SW, Washington, D.C. 20460.

Notification procedure: Inquiries may be addressed to System Manager.

Record access procedures: Requests should be addressed to System Manager.

Contesting record procedures: Requests should be addressed to Systems Manager.

Record source categories: Patients, patient's doctors, on approval of patient, accident/incidence of illness witnesses, family members of patients, and past Federal employer medical records.

EPA—4

System name:

OIG Criminal Investigative Index and Files—EPA/OIG.

Security classification:

None.

System location:

Assistant Inspector General for Investigations, Office of Inspector General (A-109), Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

Categories of individuals covered by the system:

Individuals and entities who are or have been the subjects of investigations conducted by the OIG, including present and former EPA employees; present and former EPA grant recipients, consultants, contractors, and subcontractors and their employees; and other individuals and entities doing business with EPA.

Categories of records in the system:

a. **Criminal Investigative Index.** Selected information from each investigative file, indexed by case file numbers, names of the subjects of investigations, and the cities, States, and EPA regions in which the subjects were located.

b. **Hard Copy Files.** All information relating to investigations, including the information contained in the criminal investigative index; information provided by the subjects of investigations; information provided by individuals with whom the subjects are associated (e.g., fellow workers, business associates, acquaintances, or relatives); information provided by Federal, State, local, and foreign investigatory or law enforcement agencies, and other government agencies; information provided by witnesses and confidential sources; information from public source materials; investigative notes; summaries of telephone calls; correspondence; a copy of the investigative report; and information about referrals for criminal prosecutions, civil proceedings, and administrative actions taken with respect to the subjects.

Authority for maintenance of the system:

Inspector General Act of 1978, 5 U.S.C. app.; 44 U.S.C. 3101, 3102; EPA Order 3120.1A, "Reporting, Investigation, and Prevention of Unethical or Illegal Conduct;" and EPA Manual 6500, "Functions and Activities of the Office of the Inspector General."

Purpose(s):

The records contained in the systems are used by the OIG in furtherance of the responsibilities of the Inspector General under the Inspector General Act of 1978 to conduct and supervise investigations relating to programs and operations of the EPA; to promote economy, efficiency, and effectiveness in the administration of such programs and operations; and to prevent and detect fraud and abuse in such programs and operations. The records are used in investigations of individuals and entities suspected of having committed illegal or unethical acts and in any resulting criminal prosecutions, civil proceedings, or administrative actions. The records are used in debarment and suspension proceedings under assistance programs and direct procurements. The records are used in conducting investigations of employees, consultations, contractors, subcontractors, and applicants in connection with personnel security determinations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The records in this system may be used and disseminated to further the purposes described above. The following routine uses apply to the records contained in this system:

a. A record may be disclosed to an individual or to a Federal, State, local, foreign, or international agency, when necessary to further the ends of an investigation.

b. If a record indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto, or if a record indicates a violation or potential violation of a contract, a record, may be disclosed to the appropriate agency, whether Federal, State, local, foreign, or international, charged with the responsibility of investigating or prosecuting such violation, or of enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, or of enforcing the contract.

c. If a record indicates a need to protect the interests of the Federal Government in a debarment or suspension proceeding, a

record may be disclosed to the appropriate agency charged with protecting the interests of the Federal Government.

d. A record may be disclosed to a Federal, State, local, foreign, or international agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, if necessary to obtain information relevant to an EPA decision concerning the assignment, hiring, or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

e. A record may be disclosed to a Federal, State, local, foreign or international agency, in response to its request, in connection with the assignment, hiring, or retention of an individual, the issuance of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

f. A record may be disclosed in a proceeding before a court or adjudicative body before which the EPA is authorized to appear, or in the course of settlement negotiations with opposing counsel, when—

(1) The EPA, or any component thereof; or (2) any employee of the EPA in his or her official capacity; or (3) any employee of the EPA in his or her individual capacity, where the EPA has agreed to represent the employee; or (4) the United States, where the EPA determines that litigation is likely to affect the EPA or any of its components—

is a party to litigation or has an interest in such litigation, and the EPA determines that the use of such records is relevant and necessary to the litigation; provided, however, that in each case the EPA determines that disclosure of the records is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

g. A record may be disclosed to a Member of Congress who submits an inquiry on behalf of an individual, when the Member of Congress informs the EPA System Manager that the individual to whom the record pertains has authorized the Member of Congress to have access to the record. In such cases, the Member of Congress has no more right to the record than does the individual.

h. A record may be disclosed to the Department of Justice to obtain its advice in determining whether EPA must disclose the record under the Freedom of Information Act, 5 U.S.C. 552.

i. A record may be disclosed to the Office of Management and Budget to obtain its advice in determining whether EPA must disclose the record under the Privacy Act of 1974, 5 U.S.C. 552a.

j. A record may be disclosed to a Federal agency which has the authority to subpoena other Federal agencies' records (e.g., the Internal Revenue Service or the United States Civil Rights Commission) and which has issued a valid subpoena for the record.

k. A record may be disclosed to the Department of Justice when—

(1) The EPA, or any component thereof; or (2) any employee of the EPA in his or her official capacity; or (3) any employee of the EPA in his or her individual capacity, where the Department of Justice has agreed or is considering a request to represent the employee; or (4) the United States, where the EPA determines that litigation is likely to affect the EPA or any of its components—

is a party to litigation or has an interest in such litigation, and the EPA determines that the use of such records by the Department of Justice is relevant and necessary to the litigation; provided, however, that in each case, the EPA determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

l. A record may be disclosed to the Department of the Treasury and the Department of Justice when EPA is seeking an ex parte court order to obtain taxpayer information from the Internal Revenue Service.

m. A record may be disclosed to commercial contractors (debt collection agencies) for the purpose of collecting delinquent debts, as authorized by the Debt Collection Act of 1982, 31 U.S.C. 3718.

n. A record may be disclosed to a "consumer reporting agency," as that term is defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) and the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)), for the purpose of obtaining information in the course of an investigation.

o. A record may be disclosed to a private firm which contracts with the EPA, to the extent that such records are relevant and necessary to the contractor's performance of the contract. The contractor shall be required to comply with the requirements of the Privacy Act of 1974, 5 U.S.C. 552a.

p. A record may be disclosed to the Administrator of General Services and the Archivist, or the designee of either, during an

inspection of records management practices and programs being conducted under the authority of 44 U.S.C. 2904 and 2906.

q. A record may be disclosed to a Federal, State, or local agency for use in computer matching programs to prevent and detect fraud and abuse in benefit programs administered by those agencies, to support civil and criminal law enforcement activities of those agencies and their components, and to collect debts and overpayments owed to those agencies and their components. This routine use does not provide unrestricted access to records for such law enforcement and related antifraud activities. Each request for disclosure will be considered in accordance with the Computer Matching Guidelines, issued by the Office of Management and Budget (OMB) on May 11, 1982, published at 47 FR 21656 (May 19, 1982), and the Computer Match Checklist, issued by OMB on December 29, 1983, or any superseding guidance.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The criminal investigative index is stored on index cards and computer floppy disks. The hard copy files are stored in file folders. All records are stored under secure conditions, which are described in the Safeguards section.

Retrievability:

Records in the criminal investigative index are retrieved by the last names of the subjects of investigations and by case numbers. Records in the hard copy files are retrieved by case file numbers.

Safeguards:

Direct access is limited to authorized staff of the Office of the Assistant Inspector for Investigations. Additional access within EPA is limited to authorized officials and employees on a need-to-know basis. All records, when not in the possession of an authorized individual, are stored in locked cabinets in a locked room with restricted access.

Retention and disposal:

Records are retained and disposed of in accordance with EPA Records Control Schedules, Appendix B, Schedule 19 (pending approval of the National Archives and Records Administration).

System manager(s) and address:

Assistant Inspector General for Investigations, Office of Inspector General (A-109), Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

Notification procedure:

See Exemption section of this notice. EPA claims that the system is exempt from this requirement. However, EPA has promulgated rules which establish procedures for notifying an individual at his request if the system of records contains a record pertaining to him because, under certain circumstances, it might be appropriate for an individual to have access to all or a portion of his records in this system. Requests for notification should be made in writing to the System Manager in accordance with EPA's regulations at 40 CFR Part 16.

Record access procedures:

See Exemption section of this notice. EPA claims that the system is exempt from this requirement. However, EPA has promulgated rules which establish procedures for notifying an individual at his request how he can gain access to a record in a system of records pertaining to him because, under certain circumstances, it might be appropriate for an individual to have access to all or a portion of his records in this system. Requests for access should be made in writing to the System Manager in accordance with EPA's regulations at 40 CFR Part 16.

Contesting record procedures:

See Record Access Procedures section of this notice.

Record source categories:

See Exemption section of this notice. EPA claims that the system is exempt from this requirement. However, EPA is publishing the following generic list of categories of sources of records in this system: The subjects of investigations; individuals with whom the subjects of investigations are associated (e.g., fellow workers, business associates, acquaintances, or relatives); Federal, State, local, or foreign investigatory or law enforcement agencies; other government agencies; confidential sources; witnesses; concerned citizens; and public source materials.

Systems exempted from certain provisions of the act:

Pursuant to 5 U.S.C. 552a(j)(2), this system is exempt from the following provisions of the Privacy Act of 1974: 5 U.S.C. 552a(c) (3)

and (4); (d); (e) (1), (2), (3), (4) (G), (H), and (I), (5), and (8); (f); and (g). Pursuant to 5 U.S.C. 552a(k)(2), this system is exempt from the following provisions of the Privacy Act of 1974, subject to the limitations set forth in that subsection: 5 U.S.C. 552a(c)(3); (d); (e)(1), (4) (G), (H), and (I); and (f). Pursuant to 5 U.S.C. 552a(k)(5), this system is exempt from the following provisions of the Privacy Act of 1974, subject to the limitations set forth in that subsection: 5 U.S.C. 552a(c)(3); (d); (4) (H) and (I); and (f) (2) through (5). These exemptions were published as regulations in the Federal Register, in accordance with the requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c), and (e). For additional information, contact the System Manager.

EPA-5

System name:

OIG Personnel Security Files—EPA/OIG.

Security classification:

Most of the records in this system are unclassified. However, some records in the system are classified by other Federal Agencies at levels up to and including "secret" in accordance with Executive Order 12356.

System location:

Assistant Inspector General for Management and Technical Assessment, Office of Inspector General (A-109), Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

Categories of individuals covered by the system:

Individuals who are or have been the subjects of personnel security investigations (e.g., background investigations, national agency checks and inquiries, and periodic reinvestigations) conducted by the OIG or the Office of Personnel Management (OPM), including present and former EPA employees, consultants, contractors, and subcontractors in sensitive and nonsensitive positions; and applicants for sensitive positions within the EPA.

Categories of records in the system:

A. Computerized Reference: Selected information from some personnel security files, indexed by the subject's social security number, place of birth, type of investigation, date of investigation, agency which conducted the investigation, type of security clearance, date of security clearance, and sensitivity of the position occupied.

B. Hard Copy Files: All information relating to personnel security investigations, including information contained in the computerized reference; information provided by the subjects of investigations on forms SF-171, SF-85, SF-86, SF-87, OPM-329-A, and EPA-1480-40, and in interviews or correspondence; information provided by individuals with whom the subjects are associated (e.g., fellow workers, business associates, acquaintances, or relatives); information provided by Federal, State, local, or foreign investigatory or law enforcement agencies, or other government agencies; information provided by confidential sources; information provided by former employers, references named by the subjects, credit agencies, and educational institutions; pre-appointment investigative reports; summaries of telephone calls; correspondence; public source materials; and information about referrals for criminal prosecutions, civil proceedings, and administrative actions taken with respect to the subjects.

Authority for maintenance of the system:

Executive Order 10450, as amended; Executive Order 12356; Atomic Energy Act of 1954, as amended, 42 U.S.C. 2165; Inspector General Act of 1978, 5 U.S.C. app.; 5 U.S.C. 301, 3301, 3302; 44 U.S.C. 3101, 3102; 5 CFR Parts 731 and 732; the OPM Federal Personnel Manual; EPA Manual 6500, "Functions and Activities of the Office of the Inspector General;" and EPA Delegations Manual 1-6-B, "Personnel Security."

Purpose(s):

The records contained in the system are used by the OIG to develop information on EPA employees, consultants, contractors, subcontractors, and applicants that will help the EPA determine suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information. To the extent that records in this system reveal a violation or potential violation of law, then such records would be used by the OIG in furtherance of the responsibilities of the Inspector General under the Inspector General Act of 1978 to conduct and supervise investigations relating to programs and operations of the EPA; to promote economy, efficiency, and effectiveness in the administration of such programs and operations; and to prevent and detect fraud and abuse in such programs and operations. Such records would be used in investigating individuals and entities suspected of having committed illegal or unethical acts and in any resulting criminal prosecutions, civil proceedings, or administrative actions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The records in this system may be used and disseminated to further the purposes described above. The following routine uses apply to the records contained in this system:

a. A record may be disclosed to an individual or to a Federal, State, local, foreign, or international agency, when necessary to further the ends of an investigation.

b. If a record indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto, or if a record indicates a violation or potential violation of a contract, a record may be disclosed to the appropriate agency, whether Federal, State, local, foreign, or international, charged with the responsibility of investigating or prosecuting such violation, or of enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, or of enforcing the contract.

c. A record may be disclosed to a Federal, State, local, foreign, or international agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, if necessary to obtain information relevant to an EPA decision concerning the assignment, hiring, or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

d. A record may be disclosed to a Federal, State, local, foreign, or international agency, in response to its request, in connection with the assignment, hiring, or retention of an individual, the issuance of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

e. A record may be disclosed in a proceeding before a court or adjudicative body before which the EPA is authorized to appear, or in the course of settlement negotiations with opposing counsel, when—

(1) The EPA, or any component thereof; or (2) any employee of the EPA in his or her official capacity; or (3) any employee of the EPA in his or her individual capacity, where the EPA has agreed to represent the employee; or (4) the United States, where the EPA determines that litigation is likely to affect the EPA or any of its components—

is a party to litigation or has an interest in such litigation, and the EPA determines that the use of such records is relevant and necessary to the litigation; provided, however, that in each case the EPA determines that disclosure of the records is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

f. A record may be disclosed to a Member of Congress who submits an inquiry on behalf of an individual, when the Member of Congress informs the EPA System Manager that the individual to whom the record pertains has authorized the Member of Congress to have access to the record. In such cases, the Member of Congress has no more right to the record than does the individual.

g. A record may be disclosed to the Department of Justice to obtain its advice in determining whether EPA must disclose the record under the Freedom of Information Act, 5 U.S.C. 552.

h. A record may be disclosed to the Office of Management and Budget to obtain its advice in determining whether EPA must disclose the record under the Privacy Act of 1974, 5 U.S.C. 552a.

i. A record may be disclosed to a Federal agency which has the authority to subpoena other Federal agencies' records (e.g., the Internal Revenue Service or the United States Civil Rights Commission) and which has issued a valid subpoena for the record.

j. A record may be disclosed to the Department of Justice when—

(1) The EPA, or any component thereof; or (2) any employee of the EPA in his or her official capacity; or (3) any employee of the EPA in his or her individual capacity, where the Department of Justice has agreed or is considering a request to represent the employee; or (4) the United States, where the EPA determines that litigation is likely to affect the EPA or any of its components—

is a party to litigation or has an interest in such litigation, and the EPA determines that the use of such records by the Department of Justice is relevant and necessary to the litigation; provided, however, that in each case, the EPA determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

k. A record may be disclosed to the Department of the Treasury and the Department of Justice when EPA is seeking an ex parte order to obtain taxpayer information from the Internal Revenue Service.

l. A record may be disclosed to commercial contractors (debt collection agencies) for the purpose of collecting delinquent debts, as authorized by the Debt Collection Act of 1982, 31 U.S.C. 3718.

m. A record may be disclosed to a "consumer reporting agency," as that term is defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) and the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)), for the purpose of obtaining information in the course of a personnel security investigation.

n. A record may be disclosed to a private firm which contracts with the EPA, to the extent that such records are relevant and necessary to the contractor, performance of the contract. The contractor shall be required to comply with the requirements of the Privacy Act of 1974, 5 U.S.C. 552a.

o. A record may be disclosed to the Administrator of General Services and the Archivist, or the designee of either, during an inspection of records management practices and programs being conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The computerized reference is stored on bound computer printout sheets. The hard copy files are stored in file folders. All records are stored under secure conditions, which are described in the Safeguards section.

Retrievability:

Records in the computerized reference are retrieved by the social security numbers of the subjects of personnel security investigations. Records in the hard copy files are retrieved by the last names of the subjects of personnel security investigations.

Safeguards:

Direct access is limited to authorized employees of the Personnel Security Staff, Office of the Assistant Inspector General for Management and Technical Assessment. Additional access within EPA is limited to authorized officials and employees on a need-to-know basis. All records, when not in the possession of an authorized individual, are stored in file cabinets or safes and/or in a locked central file room with restricted access. Classified records are stored in accordance with Executive Order 12356.

Retention and disposal:

Records are retained and disposed of in accordance with EPA Records Control Schedules, Appendix B, Schedule 19 (pending approval of the National Archives and Records Administration).

System manager(s) and address:

Assistant Inspector General for Management and Technical Assessment, Office of Inspector General (A-109) Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

Notification procedure:

See Exemption section of this notice. EPA claims that the system is exempt from this requirement to the extent that the system contains investigatory material compiled for law enforcement purposes. EPA also claims that the system is exempt from this requirement to the extent that the system contains records which are specifically authorized under criteria established by Executive Order 12356 to be kept secret in the interest of national defense or foreign policy and which are in fact properly classified pursuant to that Executive order. However, EPA has promulgated rules which establish procedures for notifying an individual at his request if the system of records contains a record pertaining to him because, under certain circumstances, it might be appropriate for an individual to have access to all or a portion of his records in this system. Requests for notification should be made in writing to the System Manager in accordance with EPA's regulations at 40 CFR Part 16.

Record access procedures:

See Exemption section of this notice. EPA claims that the system is exempt from this requirement. However, EPA has promulgated rules which establish procedures for notifying an individual at his request how he can gain access to a record in a system of records pertaining to him because, under certain circumstances, it might be appropriate for an individual to have access to all or a portion of his records in this system. Requests for access should be made in writing to the System Manager in accordance with EPA's regulations at 40 CFR Part 16.

Contesting record procedures:

See Record Access Procedures section of this notice.

Record source categories:

See Exemption section of this notice. EPA claims that the system is exempt from this requirement. However, EPA is publishing the following generic list of categories of sources of records in this system: The subjects of personnel security investigations; individuals with whom the subjects are associated (e.g., fellow workers, business associates, acquaintances, or relatives); Federal, State, local, or foreign investigatory or law enforcement agencies; other government agencies; confidential sources; former employers; references named by the subjects; credit agencies; educational institutions; and public source materials.

Systems exempted from certain provisions of the act:

Pursuant to 5 U.S.C. 552a(k)(1), this system is exempt from the following provisions of the Privacy Act of 1974: 5 U.S.C. 552a(c)(3); (d); (e)(1), (4) (G), (H), and (I); and (f). Pursuant to 5 U.S.C. 552a(k)(2), this system is exempt from the following provisions of the Privacy Act of 1974, subject to the limitations set forth in that subsection: 5 U.S.C. 552a(c)(3); (d); (e)(1), (4) (G), (H), and (I); and (f). Pursuant to 5 U.S.C. 552a(k)(5), this system is exempt from the following provisions of the Privacy Act of 1974, subject to the limitations set forth in that subsection: 5 U.S.C. 552a(c)(3); (d); (e)(1), (4) (H) and (I); and (f) (2) through (5). These exemptions were published as regulations in the Federal Register, in accordance with the requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c), and (e). For additional information, contact the System Manager.

EPA-7

System name:

Travel Voucher Folders, Advance Cards, and Payee Files-EPA.

System location:

Financial Management Division, EPA, 401 M St., SW, Washington, D.C. 20460.

Categories of individuals covered by the system:

Employees of EPA, consultants, and private citizens who travel or perform services for EPA.

Categories of records in the system:

Travel vouchers with reimbursable details for specific trips. Travel advance cards with details of advances received and trip expenses applied. Payee files with itemized invoices.

Authority for maintenance of the system:

Travel Expense Amendments Act of 1975 (Pub. L. 84-22); Budget and Accounting Act of 1921; Accounting and Auditing Act of 1950; Federal Claim Collection Act of 1966 (as amended).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Subgroups of files are used to determine amounts due an individual for authorized and official travel for EPA, and to conduct other payee-related activities. Transmittal to U.S. Treasury for payment. For additional routine uses see routine use paragraphs of Preliminary Statement to EPA systems published in 40 FR 43194 (September 18, 1975).

Disclosure to consumer reporting agencies:

Disclosure to credit reporting agencies: Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual.

Retrievability:

Name.

Safeguards:

Voucher files are kept in locked room. Advance cards in lockable metal file cabinets. Payee files in locked cabinets.

Retention and disposal:

Retained and disposed of according to EPA Records Control Schedules.

System manager(s) and address:

Accountant-In-Charge, Financial Management Division, EPA, 401 M St., SW, Washington, DC 20460.

Notification procedure:

Inquiries may be addressed to System Manager.

Record access procedures:

Requests should be addressed to System Manager.

Contesting record procedures:

Requests should be addressed to System Manager.

Record source categories:

Individuals, supervisors, and finance (or accounting) office standard references.

EPA-10

System name: EPA Parking Control Office File.

System location: General Services Branch, Facilities and Support Division, EPA, 401 M St., SW, Washington, DC 20460.

Categories of individuals covered by the system: Persons in existing carpool with principal member being an EPA employee other members may be employed by other Federal agencies or private industry.

Categories of records in the system: Permit applications, EPA Form 5160.1.

Authority for maintenance of the system: EPA Administrative Services Manual, Chapter 11, dated April 23, 1975.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To maintain control of numbers of vehicles authorized to use EPA Waterside Mall Garage.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These files are maintained in file folder.

Retrievability: Filed by name and permit number.

Retention and disposal: Records are maintained until carpool is disbanded or employee leaves the Agency.

System manager(s) and address: Parking Control Office, General Services Branch, address same as given in system location.

Notification procedure: Inquiries may be addressed to system manager.

Record access procedures: Requests should be addressed to system manager.

Contesting record procedures: Requests should be addressed to system manager.

Record source categories: Information in this system comes from the individual to whom it applies.

EPA-12

System name: Statements of Known Financial Interests.

System location: (a) Agency Counselor, Deputy Counselors, and Public Information Reference Unit; EPA, 401 M St., SW, Washington, DC 20460.

(b) EPA, John F. Kennedy Federal Bldg., Boston, MA 02203

(c) EPA, 26 Federal Plaza, New York, NY 10007

(d) EPA 6th and Walnut Sts, Philadelphia, PA 19106

(e) EPA, 345 Courtland St., NW, Atlanta, GA 30308

(f) EPA, 230 S. Dearborn, Chicago, IL 60604

(g) EPA, 1201 Elm Street, First International Bldg, Dallas, TX 75270

(h) EPA, 1735 Baltimore Avenue, Kansas City, MO 64108

(i) EPA, Lincoln Tower Bldg., 1860 Lincoln Street, Denver, CO 80203

(j) EPA, 215 Fremont St., San Francisco, CA 94105

(k) EPA, 1200 Sixth Street, Seattle, WA 98101

(l) EPA, Research Triangle Park, NC 27711

(m) EPA Laboratory, 26 West St. Clair Street, Cincinnati, OH 45268

Categories of individuals covered by the system: EPA employees performing functions or duties under the Toxic Substances Control Act, The Solid Waste Disposal Act, the Clean Air Act, and the Environmental Research, Development, and Demonstration Authorization Act of 1978, unless specifically exempted by regulations in 40 CFR Part 3.

Categories of records in the system: Contains EPA Form 3120-4.

Authority for maintenance of the system: 15 U.S.C. 2625; 42 U.S.C. 6906; 42 U.S.C. 7618; and Section 12, Pub. L. 95-155, 91 Stat. 1257; and 40 CFR Part 3, Sections 3.305, 3.306, 3.307, and 3.308.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are evaluated for possible conflicts of interest in accordance with law (18 U.S.C 208) prohibiting Federal employees participation in official activities where there is a conflicting interest and Agency regulations in 40 CFR Part 3. Records are required by statute to be available to the public for inspection and copying.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: By name under the particular statute.

Safeguards: Records are maintained in locked limited access file cabinets, except in the Public Information Reference Unit where the records are available for public inspection and copying in open files.

Retention and disposal: Records maintained until employee leaves the Agency then destroyed, except records in the Public Information Reference Unit which are maintained indefinitely.

System manager(s) and address: For records at (a) Agency Counselor, Deputy Counselors, and Public Information Reference Unit (address is given in system location above). For records at (b) to (m) Regional Administrators (address as given in system location above).

Notification procedure: Inquiries may be addressed to system manager.

Record access procedures: Requests should be addressed to system manager.

Contesting record procedures: Requests should be addressed to system manager.

Record source categories: Information in this system comes from the individual to whom it applies.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(K)(5), all information and material which meets the criteria of these subsections are or may be exempted from notice, access, and contest requirements.

EPA-14

System name: Time Accounting Information System.

System location: Environmental Protection Agency, Office of Pesticide Programs, Program Support Division (TS-757), 401 "M" Street, SW, Washington, D.C. 20460.

Categories of individuals covered by the system: Most current and past Office of Pesticide Programs (OPP) employees.

Categories of records in the system: The records are computerized and contain information about OPP employees including employee's name, employee identification number, hours worked during each pay period, and work-activity classification for each pay period.

Authority for maintenance of the system: Pub. L. 95-396 92 Stat. 838, 7 U.S.C. 136y.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used: As a data source for management information to produce summary descriptive statistics and analytical studies reflecting the OPP allocations of costs and work-hours by budget decision unit. Reports generated by this system may be used by OPP management to substantiate requests from EPA Management, Office of Management and Budget, and Congress concerning activities conducted under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. To respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on time sheets, magnetic tape, and magnetic disk.

Retrievability: The records are indexed by employee number, name, and organization.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. The system manager must authorize managers to use the system in writing prior to reports being generated from the system. Any release of information contained in this system outside the Office of Pesticide Programs, without the written consent of the system manager, is prohibited.

Retention and disposal: Retained for two months after submission, then destroyed according to established procedures distributed in writing by the system manager.

System manager(s) and address: Director, Program Support Division (TS-757), Office of Pesticide Program, U.S. Environment Protection Agency, 401 M Street, SW, Washington, D.C. 20460, Telephone: (202) 426-9033.

Notification procedure: All requests to determine whether this system of records contain a record pertaining to the requesting individual may be made in person during normal business hours at the Director's Office, Program Support Division, Office of Pesticide Programs, 401 M Street, SW, Washington, D.C. 20460.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of

these records may contact or address their inquiries to the system manager listed above.

Contesting record procedures: See record access procedures above.

Record source categories: The data sources are the bi-weekly Pesticide Program Time Sheet, submitted by the individual employees of the OPP.

EPA-15

System name:

Enforcement Case Support Expert Resources Inventory System—EPA-15.

Security classification:

None.

System location:

Office of Waste Programs Enforcement (WH-527), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

Categories of individuals covered by the system:

Individuals included in the system are experts in scientific and technical fields who have appropriate expertise and qualifications to serve either as consultants or expert witnesses in connection with hazardous waste enforcement cases and who have agreed to be included in the system.

Categories of records in the system:

Basic input to the system is selected information from a professional resume and supporting documents supplied by the individual which contain such data as name, contact points and telephone numbers, educational background, disciplines, specialty areas, specific subject knowledge, research interests, specific chemical knowledge, membership in technical societies and working groups, awards and honors, consulting experience, background in litigation, professional history (with periods of employment, titles, names of employers, positions held, descriptions of work), and similar information. Certain of the information is entered in summary form. Other input into the system consists of records pertaining to U.S. EPA's proposed and actual use of the individual as an expert consultant or an expert witness for enforcement cases.

Authority for maintenance of the system:

42 U.S.C. 9604, 9606, 9607 (Enforcement authority under Comprehensive Environmental Response, Compensation and Liability Act); 42 U.S.C. 9628, 9673 (Enforcement authority under Resource Conservation and Recovery Act).

Purpose(s):

EPA enforcement personnel will use the records to aid in the identification and selection of potential expert consultants and expert witnesses for hazardous waste enforcement cases and in maintaining a record of use experts on cases.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Records of individuals will be disclosed on a case-by-case basis to the U.S. Department of Justice (U.S. DOJ) attorneys who are members of the negotiation/litigation team for the purpose of enabling their participation in the case and permitting their assistance in the selection of expert consultants and expert witnesses.
2. Records of individuals in the system will be disclosed on a case-by-case basis to other scientific and technical experts used by the U.S. EPA to familiarize them with experts for use on the case or to obtain their assistance in identifying possible expert consultants and expert witnesses.
3. Records in the system may be disclosed to OWPE enforcement contractors for the purpose of subcontracting experts identified in the system and for the purpose of updating or otherwise refining records in the system. By the terms of their contract, enforcement contractors are required to maintain the information in confidence and in accordance with the requirements of the Privacy Act.
4. Records in the system may be disclosed to the U.S. DOJ when related to litigation or anticipated litigation involving the records or the subject matter of the records.
5. Also see Prefatory Statement of General Routine Uses, 41 FR 39689 (September 15, 1976).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Various portions of the system are maintained on computer disks, word-processor disks, and in hard-copy files.

Retrievability:

Information is retrieved from the computer database and word-processor format by addressing selected data items in the system which cross-reference to an individual's name. The name is used to manually access materials in alphabetized hard-copy files.

Safeguards:

Only authorized individuals have access to the system and it is maintained under a classification of "Enforcement Confidential." Records on the computer disks are protected from access by a unique identification code. Hard-copy files and word-processor disks, when not in use or in the possession of an authorized individual, are maintained in a locked cabinet. Both the computer and cabinet are in rooms protected by door locks in a building with restricted access.

Retention and disposal:

Records are maintained and periodically updated until individuals identified in the system request that their own record be deleted. Other reasons for deletion will be at the discretion of the Expert Resources coordinator and the System Manager.

System manager(s) and address:

Chief, Technical Support Branch, Office of Waste Programs Enforcement (WH-527), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

Notification procedure:

Inquiries should be addressed to the System Manager. Additional information and requirements will be provided.

Record access procedures:

Inquiries should be addressed to the System Manager. Additional information and requirements will be provided.

Contesting record procedures:

Inquiries should be addressed to the System Manager. The record and the specific information being contested should be identified. The corrective action sought and supporting justification for the correction should be provided by the individual. Additional information and requirements will be provided as necessary.

Record source categories:

1. Records furnished by individuals identified in the system. Information may be entered into the system in interpretive and summary form.
2. Records developed by U.S. EPA personnel concerning the proposed and actual use of expert consultants and expert witnesses.

Systems exempted from certain provisions of the act:

None.

EPA-16

System name:

EPA/P&CMD—Automated Information System for Career Management, (AISCMD)—EPA-16.

Security classification:

None.

System location:

Procurement and Contracts Management Division (PM-214), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

Categories of individuals covered by the system:

The system will contain records only on employees performing acquisition or acquisition-related functions which are subject to certification by the Agency Procurement Executive under Executive Order 12352 (March 17, 1982), or on employees subject to the Agency's Acquisition Career Management Program.

Categories of records in the system:

This system contains training histories supplied by the employees which contain such data as federal personnel classification series and grade, job duty station, specific acquisition or acquisition-related training, career objectives, description of acquisition or acquisition-related job skills, awards and honors, similar information relevant to the employee's training history (formal course work and/or job experiences) as it relates to acquisition or acquisition-related activities; records pertaining to P&CMD's Acquisition Career Management Program (ACMP) and its Contracting Officer Warrant Program (COWP); and records pertaining to acquisition or acquisition-related training courses and programs, both Government and commercial.

Authority for maintenance of the system:

The Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et. seq.); and Executive Order 12352 (March 17, 1982).

Purpose(s):

Information maintained in AISC is used to enhance workforce and individual employee career development by identifying training needs and providing information relevant to training opportunities for Agency acquisition and acquisition-related personnel.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records in this system may be disclosed:

1. To the Federal Agency responsible for maintaining the Federal Acquisition Personnel Information System (FAPIS).

2. To the U.S. Department of Justice in the event of litigation where the defendant is: (a) The Agency, any component of the Agency, or any employee of the Agency in his or her official capacity; (b) the United States where the Agency determines that the claim, if successful, is likely to directly affect the operations of the Agency or any of its components; or (c) any Agency employee in his or her individual capacity where the Justice Department has agreed to represent such employee. The Agency may disclose such records as it deems desirable or necessary to enable the Justice Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

3. To EPA contractors who have been engaged to assist the Agency in the performance of a function associated with AISC and who need to have access to AISC records in order to perform under the contract. Contractors are required to maintain the records in accordance with the requirements of the Privacy Act.

4. Also, see Prefatory Statement of General Routine Uses, 41 FR 39689 (September 15, 1976).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Various portions of the system are maintained on computer disk, and in hardcopy files.

Retrievability:

Information will be retrieved from the computer database by an employee's name, identification number or acquisition subject matter. Information will be retrieved from hardcopy files by an employee's name.

Safeguards:

Only the Agency Procurement Executive and other EPA acquisition personnel will have access to AISC. Records on the computer disks will be protected from access by a unique identification code. Hardcopy files will be maintained in a locked cabinet. Both the computer and cabinet are in rooms protected by door locks in a building with restricted access.

Retention and disposal:

Records will be deleted from AISC upon the employee's separation from the acquisition organization. (EPA Records Control Schedules, Appendix B, Schedule 5, Item 9 is pending.)

System manager(s) and address:

Acquisition Career Management Program (ACMP) Manager, Procurement and Contracts Management Division (PM-214), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

Notification procedure:

Inquiries must be in writing and should be addressed to the System Manager. The requester should provide his name and address and employee identification number. Additional information and requirements will be provided, if necessary.

Record access procedures:

Same as notification procedures.

Contesting record procedures:

Same as notification procedures. In addition, the requester should describe the corrective action sought and supporting justification for the correction.

Record source categories:

AISC records are developed from: (a) Information provided by the employees on whom records are maintained; (b) Agency acquisition management officials; and (c) training institutions.

Systems exempted from certain provisions of the act:

None.

EPA-17

System name:

Invention Reports Submitted to the Environmental Protection Agency—EPA/OGC/Grants-17.

System location:

U.S. Environmental Protection Agency, Office of General Counsel (LE-132G), General and Information Law Branch, 401 M Street, SW., Washington, DC 20460.

Categories of individuals covered by the system:

EPA employees and employees of contractors, subcontractors, grantees and cooperative agreement recipients who have submitted invention reports to EPA.

Categories of records in the system:

Invention reports, filed patent applications, assignments, licenses, procurement requests, Government purchase orders, and other documents relevant to inventions made under EPA sponsorship.

Authority for maintenance of the system:

E.O. 9865, E.O. 10096, 35 U.S.C. Ch.18, as amended (Patent Rights in Inventions made with Federal Assistance), 37 CFR Part 501 (53 FR 39734, October 31, 1988), 37 CFR Part 401, 40 CFR Part 30, 48 CFR Parts 27 and 52.

Purpose(s):

Records are maintained for the purpose of documenting inventions made under EPA sponsorship, including filing patent applications, determining rights to inventions, licensing inventions, and ascertaining inventorship and priority of invention.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To the U.S. Department of Justice when related to litigation or anticipated litigation involving the records or the subject matter of the records, provided such disclosure is compatible with the purpose for which the records were collected.

2. To scientific personnel who possess the expertise to understand the invention and evaluate its importance to the Government and/or the public.

3. To contract patent counsel and their employees retained by the Agency for patent searching and preparation of United States and foreign patent applications and preparation of amendments or other documents related to patent applications.

4. To Government agencies whom we contact regarding possible use, interest in or ownership rights in our invention.

5. To the National Technical Information Service of the Department of Commerce for inclusion in their invention licensing program.

6. To prospective licensees or technology finders who may further make the invention available to the public through sale, use or publication.

7. To parties, such as supervisors of inventors, whom we contact to determine ownership rights, and to those parties contacting us to determine the Government's ownership.

8. To the United States and foreign Patent and Trademark Offices when we file U.S. and foreign patent applications.

9. Also see Prefatory Statement of General Routine Uses applicable to all EPA Systems of Records, 41 FR 39689 (September 15, 1976).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are stored in individual file folders in file cabinets. An index is maintained in part on a computer data base and in part on manual cards.

Retrievability:

Indexed and retrieved by inventor's name, case identification number, U.S. patent application serial number, U.S. patent number, and institutional contractor, grantee or party to a cooperative agreement.

Safeguards:

Access to manual files, the card index and the automated index is limited to EPA personnel with an official need to know. During non-business hours, all files, indices, discs and the computer are kept in a locked room in a building with controlled access.

Retention and disposal:

The records are maintained for seventeen years after completion or termination of action on the disclosed invention, such as issuance of a patent. The records are maintained at EPA for approximately three to eight years and are then sent to a Federal Records Center for the remainder of the applicable retention period.

System manager(s) and address:

Associate General Counsel, Grants, Contracts and General Law Division, (LE-132G), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Notification procedure:

Written inquiries should be directed to the System Manager. The System Manager will provide additional information or requirements if necessary.

Record access procedures:

Same as Notification Procedure. In addition, individuals seeking access should reasonably specify the record contents being sought.

Contesting record procedures:

Same as Notification Procedure. In addition, individuals contesting records should reasonably identify the record and specify the information being contested. The corrective action being sought and supporting justification for that action should be provided.

Record source categories:

Records in the system are obtained from invention report submitters covered by this system, their supervisors, other persons with knowledge of the invention or expertise in the particular area of the invention, EPA Patent Counsel and EPA contractors who have searched the invention, prepared a patent application on the invention and/or otherwise performed work on patent application.

Systems exempted from certain provisions of the act:

None.

EPA-NEIC-OCI-17

System name:

NEIC Criminal Investigative Index and Files- EPA/NEIC/OCI.

Security classification:

None.

System location:

National Enforcement Investigations Center (NEIC), Building 53, Denver Federal Center, Denver, CO 80225.

NEIC Office of Criminal Investigations, Washington Staff Office (LE-134C), 401 M Street, SW, Washington, DC 20460.

NEIC Office of Criminal Investigations, Philadelphia Area Office, EPA-Region III (3CE00), 841 Chestnut Building, Philadelphia, PA 19107.

NEIC Office of Criminal Investigations, Boston Resident Office, EPA-Region I, 60 Westview Street, Lexington, MA 02173.

NEIC Office of Criminal Investigations, New York Resident Office, EPA-Region II, 26 Federal Plaza, New York, NY 10278.

NEIC Office of Criminal Investigations, Atlanta Area Office, EPA-Region IV, 345 Courtland Street, NE, Atlanta, GA 30365.

NEIC Office of Criminal Investigations, Dallas Resident Office, EPA-Region VI, Earle Cabell Federal Bldg., Room 3A-8, Dallas, TX 75242.

NEIC Office of Criminal Investigations, Chicago Area Office, EPA-Region V, 230 South Dearborn Street, Chicago, IL 60604.

NEIC Office of Criminal Investigations, Kansas City Resident Office, EPA-Region VII, 726 Minnesota Avenue, Kansas City, KS 64107.

NEIC Office of Criminal Investigations, Seattle Area Office, EPA-Region X, 1200 Sixth Avenue (M/S 614), Seattle, WA 98101.

NEIC Office of Criminal Investigations, San Francisco Resident Office, EPA-Region IX, 215 Fremont Street, San Francisco, CA 94105.

Categories of individuals covered by the system:

Individuals included in the system are those on whom data has been collected by criminal investigators of the National Enforcement Investigation Center's (NEIC) Office of Criminal Investigations (OCI) and assembled in the form of investigative reports in the course of investigations conducted concerning violations of federal environmental statutes and regulations. Such individuals may be actual subjects of the investigation, or persons associated with the subject (e.g. relatives, business partners, acquaintances) or witnesses. Names of the OCI criminal investigators who participate in the subject investigation also appear in the system.

Categories of records in the system:

a. Index. The computer enhanced index system contains selected information from the criminal investigative file. Such information includes, but is not limited to, personal data (e.g. name, address, telephone number); prior/secondary residences; vehicle information; associated persons (name and role); driver licenses/aliases; associated companies (name and role); identifying numbers (number type, number and brief description); corporate data (company name, address, telephone number); corporate vehicle information; associated persons and companies; corporate identifying numbers; case information (e.g. case opened, date referred to EPA); criminal investigator's

comments; criminal investigator's name and office; dissemination information (e.g. agency requesting information); and other related investigative information.

b. Hard Copy File. The hard copy file contains all information relating to an investigative matter. In addition to the information contained in the computer enhanced index system, the hard copy files contain, but are not limited to, correspondence (case coordination reports, memos of conversations, and other records of communication relating to the investigation); interviews (witness interviews and statements generated by either an OCI agent or another agency or person); regulatory history (permits and reports generated as a result of normal program activity); technical support (program reports generated as a result of the investigation); investigative notes; electronic monitoring (reports requesting permission and use, transcripts of tapes); Records check (personal history, police information, fingerprint cards); Photographs; property reports (property obtained and retained by OCI including documents, personal property and physical evidence); manifests; and other related investigative information.

Authority for maintenance of the system:

Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9604; Resource Conservation and Recovery Act, 42 U.S.C. 6927; Federal Water Pollution Control Act, 33 U.S.C. 1318; Toxic Substances Control Act, 15 U.S.C. 2610; Clean Air Act, 42 U.S.C. 7414; Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. 136g; Safe Drinking Water Act, 42 U.S.C. 300j-4; Noise Control Act of 1972, 42 U.S.C. 4912; and Title 28, U.S. Code, Section 533 with appointment letter from Civiletti, Attorney General to Costle, Administrator EPA dated January 16, 1981.

Purpose(s):

Records maintained in the system will be used by OCI criminal investigators for the purpose of supporting and furthering their investigations of persons or firms who allegedly knowingly or willfully violated any environmental statute or regulation.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Information in this system may be disclosed as a routine use to any Federal, State or local government agency directly engaged in the criminal justice process where access is related to a law enforcement function of the recipient agency in connection with the tracking, identification and prosecution of persons or companies believed to have knowingly or willfully violated any environmental statute or regulation.

2. In the event the Agency deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

3. Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Agency for records in this system of records, the agency will make such records available.

4. A record may be disclosed to the Department of Justice when (1) the EPA, or any component thereof, or (2) any employee of the EPA in his or her official capacity, or (3) any employee of the EPA in his or her individual capacity, where the Department of Justice has agreed or is considering a request to represent the employee; or (4) the United States, where the EPA determines that litigation is likely to affect the EPA or any of its components, is a party to litigation or has an interest in such litigation, and the EPA determines that the use of such records by the Department of Justice is relevant and necessary to the litigation; provided, however, that in each case, the EPA determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

5. Also see Prefatory Statement of General Routine Uses, 41 FR 39689 (September 15, 1976) for other routine uses applicable to this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The system is maintained in hard-copy files with selected portions also stored in computer disks.

Retrievability:

Hard copy files are maintained in the chronological order of the case file number assigned to it and retrieved by case file number.

Information on individuals may be accessed by cross referencing with computer index.

The computer enhanced index system is retrievable by case file number or case title, the name of an individual, company name, drivers license, vehicle tag or vehicle identification number, identifying number (EPA permit number) agent name and freestyle (string of letters from one to forty letters long).

Safeguards:

Only OCI employees and employees of NEIC's Enforcement Specialist Office are authorized to access the system. Hard copy files, when not in the possession of an authorized individual, are maintained in a locked cabinet. The computer index is protected from access by a unique identifier password known only to the authorized persons. The index system also maintains a user log which identifies and records who uses the system. Both the computer and cabinets are in locked rooms in a building with restricted access.

Retention and disposal:

All investigative files are maintained in accordance with the provisions of the pending EPA Records Control Schedule for Regional Enforcement records (Appendix D, Schedule 4, Item 16).

System manager(s) and address:

Assistant Director for Criminal Investigations, Environmental Protection Agency, NEIC, Box 25227, Denver, Colorado 80225.

Notification procedure:

Requests for notification should be made in writing and be addressed to the System Manager. The requester should include his full name, complete address, date of birth, and a notarized statement that the requestor is the individual to whom the pertains and that he understands it is a misdemeanor to knowingly and willfully seek to obtain access to records about another individual under false pretenses. The request should also include the general subject matter of the record or records in question or the record file number along with any other known information which may assist EPA in searching for the records. Additional information or requirements, if any, will be provided by the System Manager.

Record access procedures:

Same as Notification Procedures.

Contesting record procedures:

Same as Access Procedure. In addition, the requester should state the corrective action sought and supporting justification for the correction.

Record source categories:

Information is obtained from other government agencies, law enforcement agencies, the general public, subjects of investigation, informants, witnesses, public source materials, and other persons and entities with information potentially relevant to an investigation.

Systems exempted from certain provisions of the act:

Pursuant to 5 U.S.C. 552a(j)(2) this system is exempt from the following provisions of the Privacy Act: 5 U.S.C. 552a(c) (3) and (4); (d); (e) (1), (2), (3), (4) (G), (H), and (I), (5) and (8); (f); and (g). Pursuant to 5 U.S.C. 552a(k)(2), this system is exempt from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3); (d), (e)(1), (4)(G), (H) and (I); and (f) of the Privacy Act. Regulations have been promulgated and published in the Federal Register concurrent with this Notice in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e). These exemptions will only be used to the extent necessary to ensure the effectiveness of EPA's criminal enforcement program.

EPA-FMSD-19

System name:

Official U.S. Government Identification Card Record-EPA-FMSD-19.

Security classification:

None.

System location:

1. Facilities Management and Services Division, Security and Property Management Branch, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

2. Field activities listed in Appendix.

Categories of individuals covered by the system:

EPA employees and EPA contract employees who require access to EPA buildings and offices.

Categories of records in the system:

1. EPA Form 5110-1, EPA Identification Card Acknowledgement which contains the following information: Name, EPA identification card number, height, weight, color of eyes/hair, date of birth, social security number, position title, grade, EPA office location, signature, date of issuance, and a photograph of the person issued the identification card.

2. EPA Form 1480-39, Official U.S. Government Identification, which contains the following information: Name, social security number, location, date of birth, height, weight, color of eyes/hair, signature, card number, date of issuance and photograph of person issued the identification card.

Authority for maintenance of the system:

40 U.S.C. 486(c), Federal Property and Administrative Services Act of 1949 (authority for establishing housekeeping records); Executive Order 9397 (authority to collect social security numbers for identification purposes).

Purpose(s):

EPA will use the records to issue official U.S. Government Identification cards to EPA employees and EPA contract employees requiring access to EPA buildings and offices. The records will also be used to maintain a record of all holders of identification cards, for renewal and recovery of expired cards, and to identify lost or stolen cards. At Headquarters the records may be used to identify employees whose names have not been entered in the EPA locator system.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure of information may be made:

1. To the Department of Justice to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to litigation or anticipated litigation in which one of the following is a party or has an interest: (a) EPA or any of its components, (b) an EPA employee in his or her official capacity, (c) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (d) the United States where EPA determines that the litigation is likely to affect the Agency.

2. In a proceeding before a court, other adjudicative body or grand jury, or in an administrative or regulatory proceeding, to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to the proceeding in which one of the following is a party or has an interest: (a) EPA or any of its components, (b) an EPA employee in his or her official capacity, (c) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (d) the United States where EPA determines that the litigation is likely to affect the Agency. Such disclosures include those made in the course of presenting evidence, conducting settlement negotiations, and responding to subpoenas, and requests for discovery.

3. To a Federal agency which has requested information relevant to its decision in connection with the hiring or retention of an employee; the reporting of an investigation on an employee; the letting of a contract; or the issuance of a security clearance, license, grant, or other benefit.

4. To a Federal, State or local agency where necessary to enable EPA to obtain information relevant to an EPA decision concerning the hiring or retention of an employee, the letting of a contract; or the issuance of a security clearance, license, grant, or other benefit.

5. To an appropriate Federal, State, local or foreign agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation or order, where there is an indication of a violation or potential violation of the statute, rule, regulation or order and the information disclosed is relevant to the matter.

6. To a Member of Congress or a congressional office in response to an inquiry from that Member or office made at the request of the individual to whom the records pertain.

7. To EPA contractors who have been engaged to assist EPA in the performance of activities directly related to this system of records and who need to have access to the records in order to perform under the contract. Contractors are required to maintain the records in accordance with the requirements of the Privacy Act.

8. To representatives of the General Services Administration and the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders in file cabinets.

Retrievability:

Records are retrieved by name of individual on whom they are maintained.

Safeguards:

Only authorized EPA employees with an official need-to-know are allowed access to the system. The files are stored in cabinets secured with locking bars and padlocks. The cabinets are located in a locked room in a building with controlled access.

Retention and disposal:

Records are destroyed three months after termination of employment or severance of association with EPA. See EPA Records Control Schedule, Appendix B, Part 3, Item 25.

System manager(s) and address:

Headquarters: Chief, Security and Property Management Branch (PM-215), 401 M Street SW, Washington, DC 20460.

Other locations: General Services Manager at address listed in the Appendix.

Notification procedures:

Inquiries should be addressed to the System Manager at the location where the records are maintained (with notarized signature if requests is made by mail or with suitable identification if request is made in person). Any additional information or requirement will be provided by the System Manager.

Record access procedures:

Same as Notification Procedures. Individuals should reasonably specify the record contents being sought, and provide any other names officially used during period of employment.

Contesting record procedures:

Same as Notification Procedures. The record and the specific information being contested should be identified. The corrective action sought and supporting justification for the correction should be provided by the individual.

Record source categories:

The individual on whom the record is maintained and EPA personnel records.

Systems exempted from certain provisions of the Act:

None.

Appendix

In addition to Headquarters, the General Services Manager at the following EPA field activities have identification card records:

- EPA Region I, Federal Center, Boston, MA 02203
- EPA Region II, 26 Federal Plaza, New York, NY 10278
- EPA Region III, 841 Chestnut Street, Philadelphia, PA 19107
- EPA Region IV, 345 Courtland Street, NE, Atlanta, GA 30365
- EPA Region V, 230 S. Dearborn Street, Chicago, IL 60604
- EPA Region VI, 1201 Elm Street, Dallas, TX 75270
- EPA Region VII, 726 Minn. Avenue, Kansas City, KS 66101
- EPA Region VIII, 999 18th Street, Suite 1300, Denver, CO 80202
- EPA Region IX, 215 Fremont Street, San Francisco, CA 94105
- EPA Region X, 1200 6th Avenue, Seattle, WA 98101
- Environmental Research Laboratory, PO Box 1198, Ada, OK 74820
- Motor Vehicle Emission Laboratory, 2565 Plymouth, Ann Arbor, MI 48105
- Environmental Research Laboratory, Athens, GA 30613
- Office of Administration, 26 W. St. Clair St., Cincinnati, OH 45266
- Environmental Research Laboratory, 6201 Congdon Blvd., Duluth, MN 55804
- Environmental Research Laboratory, PO Box 15027, Las Vegas, NV 89114
- Environmental Research Laboratory, South Ferry Rd., Narragansett, RI 02882
- National Enforcement Investigations Center, Bldg. 53, Box 25227, Denver, CO 80225
- Office of Administration, Research Triangle Park, NC 27711

EPA-OTS-20**System name:**

Toxic Substances Control Act Confidential Business Information Records Access System—EPA/OTS.

Security classification:

None.

System location:

Hard-copy files: Office of Toxic Substances, Information Management Division (TS-793), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Computer disks: EPA National Data Processing Division, Research Triangle Park, NC 27711.

Categories of individuals covered by the system:

EPA and other Federal agency employees and Office of Toxic Substances (OTS) contractor employees who are or have ever been authorized for access to Toxic Substances Control Act Confidential Business Information (TSCA CBI).

Categories of records in the system:

The system contains basic identification information such as name, social security number, EPA identification card number, date and place of birth, office of contractor for which the individual works and telephone number. In addition, the system contains information pertinent to TSCA CBI access such as security briefing date, date added to system, date deleted from system and type of access authorized.

Authority for maintenance of the system:

15 U.S.C. 2601 et seq. (Toxic Substances Control Act).

Purpose(s):

EPA uses this information to maintain a record of those persons cleared for access to TSCA CBI and to maintain the security of TSCA CBI.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure of information may be made:

1. To other Federal agencies when they possess TSCA CBI and need to verify clearance of EPA, other Federal agency and EPA contractor employees for access.
2. To EPA contractors who have been engaged to assist EPA in the performance of activities directly related to this system of records and who need to have access to the records in order to perform under the contract. Contractors are required to maintain the records in accordance with the requirements of the Privacy Act.
3. To a Member of Congress or a congressional office in response to an inquiry from that Member or office made at the request of the individual to whom the record pertains.
4. To a Federal agency which has requested information relevant to its decision in connection with the hiring or retention of an employee; the reporting of an investigation on an employee; the letting of a contract; or the issuance of a security clearance, license, grant or other benefit.
5. To a Federal, State or local agency where necessary to enable EPA to obtain information relevant to an EPA decision concerning the hiring or retention of an employee, the letting of a contract; or the issuance of a security clearance, license, grant or other benefit.
6. To an appropriate Federal, State, local or foreign agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation or order, where there is an indication of a violation or potential violation of the statute, rule, regulation or order and the information disclosed is relevant to the matter.
7. To the Department of Justice to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to litigation or anticipated litigation in which one of the following is a party or has an interest: (a) EPA or any of its components, (b) an EPA employee in his or her official capacity, (c) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (d) the United States where EPA determines that the litigation is likely to affect the Agency.
8. In a proceeding before the court, other adjudicative body or grand jury, or in an administrative or regulatory proceeding, to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to the proceeding in which one of the following is a party or has an interest: (a) EPA or any of its components, (b) an EPA employee in his or her official capacity, (c) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (d) the United States where EPA determines that the litigation is likely to affect the Agency. Such disclosures include those made in the course of presenting evidence, conducting settlement negotiations, and responding to subpoenas and requests for discovery.
9. To representatives of the General Services Administration and the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Various portions of the system are maintained on computer disks and in hard copy files.

Retrievability:

Information is retrieved from the computer database by addressing any type of data contained in the database, including individual names. An individual's name may be used to manually access materials in alphabetized hard copy files.

Safeguards:

Only authorized Federal and contractor employees have access to the system on a need-to-know basis. Records on the computer disks are protected from access by unique passwords and log-on procedures. Hard copy files are locked in Class 6 safes.

Retention and disposal:

Information in this system is maintained and updated for so long as individuals identified in the system are authorized for access to TSCA CBI. Once authorization terminates, the information is maintained in accordance with EPA Records Control Schedules (pending).

System manager(s) and address:

Director, Information Management Division, Office of Toxic Substances (TS-793), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Notification procedure:

Inquiries should be addressed to the System Manager. Additional information and requirements will be provided.

Record access procedures:

Same as notification procedures. In addition, the record contents being sought should be specified.

Contesting record procedures:

Same as notification procedures. The record and the specific information being contested should be identified. The corrective action sought and supporting justification for the correction should be provided by the individual. Additional information and requirements will be provided as necessary.

Record source categories:

1. Records furnished by individuals identified in the system.
2. Records developed by U.S. EPA personnel concerning information pertinent to TSCA CBI access such as security briefing data, date added to system, date deleted from system and type of access authorized.

Systems exempted from certain provisions of the act:

None.

EPA-21

System name:

External Compliance Program Discrimination Complaint Files—EPA/OCR.

Security classification:

None.

System location:

Complete External Compliance Program (ECP) discrimination complaint files submitted after March 5, 1984 are maintained in the laboratory or Regional office responsible for conducting the investigation. The addresses of the Regional offices and laboratories are listed in the Appendix. A skeleton file is maintained in the Office of Civil Rights (OCR), U.S. Environmental Protection Agency (EPA), 401 M Street SW., Washington, DC 20460.

ECP discrimination complaint files submitted prior to March 5, 1984 are maintained in OCR, EPA, 401 M Street SW., Washington, DC 20460, or in the Regional and laboratory offices listed in the Appendix.

Categories of individuals covered by the system:

Individuals who have filed, or had filed on their behalf, discrimination complaints against recipients of Federal financial assistance.

Categories of records in the system:

Letters or other documents initiating discrimination complaints, correspondence, internal memoranda and notes pertaining to the complaints; investigative reports and findings on the complaints; and related information concerning the complaints and investigations.

Authority for maintenance of the system:

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et. seq.); Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et. seq.); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); Section 13 of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500); Title III of the Age Discrimination Act of 1975 (42 U.S.C. 6101 et. seq.); Title VIII of the Federal Fair Housing

Act (42 U.S.C. 3601); Executive Orders 11246, 12250 and 12259; 40 CFR Part 7.

Purpose(s):

This file system is maintained to support and further the discrimination complaint process, including the investigation and resolution of complaints, and to assure compliance with the nondiscrimination laws by recipients of Federal financial assistance.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure of information may be made:

1. To the Department of Justice, the Equal Employment Opportunity Commission, or other Federal and State agencies when necessary to complete an investigation, enforce the nondiscrimination statutes set forth in the Authority section of this Notice or assure proper coordination between Federal agencies.

2. To a private individual or firm under contract to OCR for the purpose of investigating the complaint. Relevant records will be disclosed to such a contractor. The contractor will be required to maintain Privacy Act safeguards with respect to such records.

3. To persons named as alleged discriminating officials to allow such persons the opportunity to respond to the allegations of discrimination which are made against them during the course of the discrimination complaint process.

4. To any source from which additional information is requested when necessary to obtain information relevant to the OCR investigation of a discrimination complaint (but only to the extent necessary to inform the source of the purpose of the request and to identify the type of information requested.)

5. To a Member of Congress or a congressional office in response to an inquiry from that Member or office made at the request of the individual to whom the record pertains.

6. To a Federal agency which has requested information relevant to its decision in connection with the hiring or retention of an employee; the reporting of an investigation on an employee; the letting of a contract; or the issuance of a security clearance, license, grant, or other benefit.

7. To a Federal, State or local agency where necessary to enable EPA to obtain information relevant to an EPA decision concerning the hiring or retention of an employee; the letting of a contract; or the issuance of a security clearance, license, grant, or other benefit.

8. To an appropriate Federal, State, local or foreign agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation or order, where there is an indication of a violation or potential violation of the statute, rule, regulation or order and the information disclosed is relevant to the matter.

9. To the Department of Justice to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to litigation or anticipated litigation in which one of the following is a party or has an interest: (a) EPA or any of its components; (b) an EPA employee in his or her official capacity; (c) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee; or (d) the United States where EPA determines that the litigation is likely to affect the Agency.

10. In a proceeding before a court, other adjudicative body or grand jury, or in an administrative or regulatory proceeding, to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to the proceeding in which one of the following is a party or has an interest: (a) EPA or any of its components; (b) an EPA employee in his or her official capacity; (c) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee; or (d) the United States where EPA determines that the litigation is likely to affect the Agency. Such disclosures include, but are not limited to, those made in the course of presenting evidence, conducting settlement negotiations, and responding to subpoenas and requests for discovery.

11. To representatives of the General Services Administration and the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Files may be retrieved by the case file number, name of complainant and/or name of respondent (entity receiving Federal financial assistance which is alleged to have discriminated.)

Safeguards:

Access to and use of these records are limited to those EPA employees whose official duties require such access. When not in use, these files are stored in locked file cabinets.

Retention and disposal:

Files are retained in the office for two years after the case is closed, sent to the Federal Records Center for five years, and then destroyed. See EPA Records Control Schedules, Appendix B, Schedule 16, Item 5 (pending).

System manager(s) and address:

Associate Director for External Compliance Programs, Office of Civil Rights (A-105), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Notification procedure:

Contact the system manager at the address noted above. Include your name and address at the time the original complaint was filed, a copy or brief summary of allegations contained in the original complaint, the name of the entity against which the allegations were filed, and the date of the original complaint. You must submit a notarized statement which states that you are the individual to whom the record pertains and that you understand that it is a misdemeanor to knowingly and willfully seek to obtain access to records about another individual under false pretences. The system manager may require additional information as necessary.

Record access procedures:

Same as Notification Procedures. You should also reasonably specify the record contents being sought. Individuals are encouraged to request both notification and access at the same time in order to avoid excessive delays and correspondence.

Contesting record procedures:

Same as Notification Procedures. You should also reasonably specify the information contested and the corrective action sought with supporting justification.

Record source categories:

Complainants, respondents, witnesses, EPA investigators and/or contract investigators, other EPA personnel, and other persons with information relevant to the case.

Systems exempted from certain provisions of the act:

Pursuant to 5 U.S.C. 552a(k)(2), this system is exempt from the following provisions of the Privacy Act of 1974, subject to the limitations set forth in that subsection: 5 U.S.C. 552a(c)(3), (d), and (e)(1). These exemptions will be published as regulations in the Federal Register in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e), and will be effective upon publication of a final rule.

Appendix

The addresses of EPA's Regional offices and laboratories which maintain the External Compliance Program discrimination complaint files are as follows:

- EPA Region I, Regional Director of Civil Rights, Federal Center, Boston, MA 02203
- EPA Region II, Regional Director of Civil Rights, 26 Federal Plaza, New York, New York 10278
- EPA Region III, Regional Director of Civil Rights, 841 Chestnut Street, Philadelphia, PA 19107
- EPA Region IV, Regional Director of Civil Rights, 345 Courtland Street, NE, Atlanta, GA 30365
- EPA Region V, Regional Director of Civil Rights, 230 South Dearborn Street, Chicago, IL 60604
- EPA Region VI, Regional Director of Civil Rights, 1445 Ross Avenue, Dallas, TX 75270
- EPA Region VII, Regional Director of Civil Rights, 726 Minnesota Avenue, Kansas City, KS 66101
- EPA Region VIII, Regional Director of Civil Rights, One Denver Place, 999 18th Street, Denver, CO 80202-2413
- EPA Region IX, Regional Director of Civil Rights, 215 Fremont Street, San Francisco, CA 94105
- EPA Region X, Regional Director of Civil Rights, 1200 Sixth Avenue, Seattle, WA 98101
- EPA Cincinnati Laboratories, EEO Officer, 26 W. St. Clair Street, Cincinnati, OH 45268
- EPA RTP Laboratories, EEO Officer, Research Triangle Park, NC 27711
- EPA Las Vegas Laboratories, EEO Officer, P.O. Box 15027, Las Vegas, NV 89114

EPA-22**System name:**

Congressional and Executive Communications Files—EPA/OES.

Security classification:

None.

System location:

Office of Executive Support (A-101), U.S. Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, and offices listed in appendix.

Categories of individuals covered by the system:

Persons from the private sector, Members of Congress, the White House staff, and other persons from the public sector (Federal, state and local) who send correspondence to the Administrator and Deputy Administrator.

Categories of records in the system:

Name and address of correspondent, copies of incoming letter. EPA's response, and correspondence control number when assigned.

Authority for maintenance of the system:

5 U.S.C. 301.

Purpose(s):

EPA will use this system to respond to correspondence from the public and private sector, Members of Congress and White House staff. The records also will be used to control correspondence requiring a timely response.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure of information may be made:

1. To a Federal, State or local agency when a response by that agency is more appropriate.
2. To a Member of Congress or a congressional office in response to an inquiry from that Member or office made at the request of the individual to whom the record pertains.
3. To an appropriate Federal, State, local or foreign agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation or order, where there is an indication of a violation or potential violation of the statute, rule, regulation or order and the information disclosed is relevant to the matter.
4. To the Department of Justice to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to litigation or anticipated litigation in which one of the following is a party or has an interest: (a) EPA or any of its components, (b) an EPA employee in his or her official capacity, (c) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (d) the United States where EPA determines that the litigation is likely to affect the Agency.
5. In a proceeding before a court, other adjudicative body or grand jury, or in an administrative or regulatory proceeding, to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to the proceeding in which one of the following is a party or has an interest: (a) EPA or any of its components, (b) an EPA employee in his or her official capacity, (c) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (d) the United States where EPA determines that the litigation is likely to affect the Agency. Such disclosures include those made in the course of presenting evidence, conducting settlement negotiations, and responding to subpoenas and requests for discovery.
6. To representatives of the General Services Administration and the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

File folders and compute tapes.

Retrievability:

Records are retrieved by the name of the individual correspondent and the correspondence control number when assigned.

Safeguards:

Only authorized EPA personnel have access to the system on a need-to-know basis. File folders are stored in cabinets secured by locks. Computer tapes are protected from access by unique passwords. The records are located in secured rooms in buildings with controlled access.

Retention and disposal:

Controlled correspondence: Records are permanent. See EPA Records Control Schedules, Appendix C, Item 1.

All other correspondence: Records are destroyed when five years old. See EPA Records Control Schedules, Appendix C, Item 2.

System manager(s) and address:

Congressional and Executive Communications Officer, Office of Executive Support (A-101), 401 M St. SW., Washington, D.C. 20460.

Notification procedure:

Inquiries should be directed to the System Manager.

Record access procedures:

Same as notification procedures. Individual should provide his or her complete name, name of person incoming letter was addressed to and date of incoming letter.

Contesting record procedures:

Same as notification procedures. Also, the corrective action sought and supporting justification for the correction should be provided.

Record source categories:

Subject individual and drafter of EPA response.

Systems exempted from certain provisions of the act:

None.

APPENDIX:

In addition to Office of Executive Support, the Congressional and Executive Communications Coordinator in the following EPA offices has Congressional and Executive Communications Files:

At Headquarters:

Office of Administration and Resources Management
Office of Enforcement and Compliance Monitoring
Office of Policy, Planning, and Evaluation
Office of External Affairs
Office of Water
Office of Solid Waste and Emergency Response
Office of Air and Radiation
Office of Pesticides and Toxic Substances
Office of Research and Development
Office of International Activities
Office of Regional Operations
Office of General Counsel
Office of Civil Rights
Science Advisory Board
Small and Disadvantaged Business Utilization

At Regional Offices:

EPA Region I, Federal Center, Boston, MA 02203
EPA Region II, 26 Federal Plaza, New York, NY 10278
EPA Region III, 841 Chestnut St., Philadelphia, PA 19107
EPA Region IV, 345 Courtland St. NE, Atlanta, GA 30365
EPA Region V, 230 S. Dearborn St., Chicago, IL 60604
EPA Region VI, 1445 Ross Ave., Dallas, TX 75202
EPA Region VII, 726 Minn. Ave., Kansas City, KS 66101
EPA Region VIII, 999 18th St., Suite 1300, Denver, CO 80202
EPA Region IX, 215 Fremont St., San Francisco, CA 94105
EPA Region X, 1200 6th Ave., Seattle, WA 98101

EPA-23

System name:

EPA Credential Information Records—EPA-OIG and FMSD.

Security classification:

None.

System location:

Office of Inspector General credential records: Office of the Inspector General (A-109), U.S. Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

All other credential records: Security and Property Management Branch, Facilities Management and Services Division (PM-215), U.S. Environmental Protection Agency, 401 M St. SW., Washington, DC 20460, and offices listed in Appendix.

Categories of individuals covered by the system:

EPA employees who are required to carry credentials that identify the bearer as having the authority to act in an official enforcement, inspection, or investigative capacity.

Categories of records in the system:

This system contains all or part of the following information: Name of individual, title, grade, position, location, credential number, expiration date, date issued, status.

Authority for maintenance of the system:

40 U.S.C. 486(c), Federal Property and Administrative Services Act of 1949, as amended.

Purpose(s):

EPA will use the records to issue official EPA credentials to designated Agency employees who are required to carry credentials to identify them as having the authority to act in an official enforcement, inspection, or investigative capacity. The records will also be used to maintain a record of all holders of credentials, for renewal and recovery of expired credentials, and to identify lost or stolen credentials.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure of information may be made:

1. To EPA contractors who have been engaged to assist EPA in the performance of activities directly related to this system of records and who need to have access to the records in order to perform under the contract. Contractors are required to maintain the records in accordance with the requirements of the Privacy Act.

2. To a Member of Congress or a congressional office in response to an inquiry from that Member or office made at the request of the individual to whom the record pertains.

3. To a Federal, State or local agency which has requested information relevant to its decision in connection with the hiring or retention of an employee; the reporting of an investigation on an employee; the letting of a contract; or the issuance of a security clearance, license, grant, or other benefit.

4. To a Federal, State or local agency where necessary to enable EPA to obtain information relevant to an EPA decision concerning the hiring or retention of an employee; the letting of a contract; or the issuance of a security clearance, license, grant, or other benefit.

5. To an appropriate Federal, State, local or foreign agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation or order, where there is an indication of a violation or potential violation of the statute, rule, regulation or order and the information disclosed is relevant to the matter.

6. To the Department of Justice to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to litigation or anticipated litigation in which one of the following is a party or has an interest: (a) EPA or any of its components, (b) an EPA employee in his or her official capacity, (c) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (d) the United States where EPA determines that the litigation is likely to affect the Agency.

7. In a proceeding before a court, other adjudicative body or grand jury, or in an administrative or regulatory proceeding, to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to the proceeding in which one of the following is a party or has an interest: (a) EPA or any of its components, (b) an EPA employee in his or her official capacity, (c) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (d) the United States where EPA determines that the litigation is likely to affect the Agency. Such disclosures include those made in the course of presenting evidence, conducting settlement negotiations, and responding to subpoenas and requests for discovery.

8. To representatives of the General Services Administration and the National Archives and Records Administration who are conducting records management inspections under authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Records are retrieved by name of the individual on whom they are maintained.

Safeguards:

Only authorized EPA and contractor employees with an official need-to-know are allowed access to the system. The records are stored in locked cabinets. The cabinets are located in locked rooms in buildings with controlled access.

Retention and disposal:

Records are destroyed three months after separation or revocation of credential. See General Records Schedule 11, Item 4.

System manager(s) and address:

Office of Inspector General credential records: Assistant Inspector General for Management and Technical Assessment (A-109), Office of the Inspector General, 401 M St., SW., Washington, DC 20460.

All other credential records: Chief, Security and Property Management Branch (PM-215), 401 M St., SW., Washington, DC 20460.

Notification procedure:

Inquiries should be addressed to the appropriate System Manager in accordance with EPA's regulations at 40 CFR Part 16. Any additional information or requirements will be provided by the System Manager.

Record access procedures:

Same as Notification Procedures. Individuals should reasonably specify the record contents being sought.

Contesting record procedures:

Same as Notification Procedures. The record and the specific information being contested should be identified. The corrective action sought and supporting justification for the correction should be provided by the individual.

Record source categories:

Subject individual and office preparing credential.

Systems exempted from certain provisions of the act:

None.

Appendix

In addition to Headquarters, the Security Coordinator, representing the Security and Property Management Branch, maintains credential records at the following locations:

EPA Region I, Federal Center, Boston, MA 02203
 EPA Region II, 26 Federal Plaza, New York, NY 10278
 EPA Region III, 841 Chestnut St., Philadelphia, PA 19107
 EPA Region IV, 345 Courtland St., NE, Atlanta, GA 30365
 EPA Region V, 230 S. Dearborn St., Chicago, IL 60604
 EPA Region VI, 1445 Ross Ave., Dallas, TX 75202
 EPA Region VII, 726 Minn. Ave., Kansas City, KS 66101
 EPA Region VIII, 999 18th St., Suite 1300, Denver, CO 80202
 EPA Region IX, 215 Fremont St., San Francisco, CA 94105
 EPA Region X, 1200 6th Ave., Seattle, WA 98101
 Office of Administration, 23 W. St. Clair, St., Cincinnati, OH 45268
 Environmental Research Laboratory, P.O. Box 15027, Las Vegas, NV 89114
 National Enforcement Investigation Center, Bldg. 53, Box 25227, Denver, CO 80225.

EPA-24**System name:**

Claims Office Master Files (COMF)—EPA/OGC.

Security classification:

None.

System location:

Claims Office, Room 1045 West Tower, 401 M Street SW., Washington, DC 20460.

Categories of individuals covered by the system:

The COMF contains claim records affecting individuals in six categories. COMF-TOR is composed of records covering individuals filing claims under the Federal Tort Claims Act, 28 U.S.C. 2671 et seq., for money damages for injury, death or damage caused by the negligence or wrongful acts or omissions of employees of EPA. COMF-FCC is comprised of records covering individuals who are indebted to EPA and against whom EPA has initiated actions under the Federal Claims Collection Act, 31 U.S.C. 3711 et seq. COMF-MCE is composed of records covering individuals making claims for loss or damage to personal property under the Military Personnel and Civilian Employees Claims act, 31 U.S.C. 3721. COMF-WAV is composed of records covering individuals requesting waiver under 5 U.S.C. 5584 of claims for erroneous payments of salary or transportation expenses. COMF-GAR is composed of records covering EPA employees whose salaries are garnished under 42 U.S.C. 659, 661-662 for alimony and/or child support. COMF-RCD is composed of records covering individuals claiming reimbursement of collision deductible payments on rental vehicles.

Categories of records in the system:

COMF-TOR contains records relating to tort claims against EPA. It may contain administrative claims, investigative reports, witness statements, certifications of scope of employment, damage estimates, medical records, letters to claimants, claimant responses, the Agency final decision on claims, and other records concerning tort claims.

COMF-FCC contains documents relating to debts owed EPA by individuals, corporations, State and local governments, and Indian tribes. It may include documents which evidence the debt (e.g., audit reports, travel voucher, consent decrees, etc.), demand letters, debtor responses, credit reports, information obtained from private collection agencies, and other records concerning debt claims. It may contain the social security numbers of individual debtors to the extent such numbers are contained in travel vouchers or other documents upon which the debt is based.

COMF-MCE contains records relating to employee claims for loss or damage to personal property. It may contain administrative claim forms, investigative reports, supervisor's reports, accident reports, documentation of the amounts claimed as damages, the Agency final action on claims, and other records concerning employee property claims.

COMF-WAV contains records relating to employee requests for waiver by the Government of claims for erroneous payment of salary or travel expenses. It may contain employee request for waiver forms, investigative reports and recommendations, certifications of the amount of overpayment, personnel records relevant to overpayments, evidence of the Government's final action on the request, and other records concerning waiver requests. The social security number of the employee is contained in the file.

COMF-GAR contains legal documents supporting the garnishment of the salary of EPA employees. It may include the order of garnishment or attachment, notices to the employee of garnishment, responses by the employee, payroll information, and other records concerning garnishment requests. The social security number of the employee may be contained in the file.

COMF-RCD contains records required to settle claims against EPA employees for rental car damage deductible claims. It may contain rental agreements, accident reports, damage estimates, employee requests for reimbursement, travel vouchers, correspondence with rental car companies, evidence of the Agency final action on the claim, and other records concerning rental car deductible claims.

Authority for maintenance of the system:

The statutory and regulatory authorities for maintenance of records in COMF are:

COMF-TOR—28 U.S.C. 2671 et seq. and 40 CFR Part 10.
 COMF-FCC—31 U.S.C. 3711 et seq. and 4 CFR Parts 101-105.
 COMF-MCE—31 U.S.C. 3721 and 40 CFR Part 14.
 COMF-WAV—5 U.S.C. 5584 and 4 CFR Parts 91-93.
 COMF-GAR—42 U.S.C. 659, 661-662 and 5 CFR Part 581.
 COMF-RCD—5 U.S.C. 5704.

Executive Order 9397, November 22, 1943, provides authority for collection of social security numbers.

Purpose(s):

The purpose of COMF is to assist the EPA Claims Office in managing its receipt, tracking, processing and resolution of claims and to assist the Department of Justice and the General Accounting Office in final resolution of claims.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The routine uses identified in paragraphs 1 through 7 apply generally to all of the subsystems of COMF. The routine use identified in paragraph 8 applies only to COMF-WAV, the routine use in paragraph 9 applies only to COMF-FCC, the routine uses in paragraphs 10 and 11 apply only to COMF-RCD, and the routine use in paragraph 12 applies only to COMF-GAR.

1. To a Member of Congress or a congressional office in response to an inquiry from that Member or office made at the request of the individual to whom the record pertains.

2. To a Federal agency which has requested information relevant to its decision in connection with a claim filed by or against an employee; the reporting of an investigation on an employee; the letting of a contract; or the issuance of a security clearance, license, grant, or other benefit.

3. To a Federal, State or local agency where necessary to enable EPA to obtain information relevant to an EPA decision concerning a claim by or against an employee.

4. To an appropriate Federal, State, local or foreign agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation or order, where there is an indication of a

violation or potential violation of the statute, rule, regulation or order and the information disclosed is relevant to the matter.

5. To the Department of Justice to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to litigation or anticipated litigation in which one of the following is a party or has an interest: (a) EPA or any of its components, (b) an EPA employee in his or her official capacity, (c) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (d) the United States where EPA determines that the litigation is likely to affect the Agency.

6. In a proceeding before a court, other adjudicative body or grand jury, or in an administrative or regulatory proceeding, to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to the proceeding in which one of the following is a party or has an interest: (a) EPA or any of its components, (b) an EPA employee in his or her official capacity, (c) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (d) the United States where EPA determines that the litigation is likely to affect the Agency. Such disclosures include, but are not limited to, those made in the course of presenting evidence, conducting settlement negotiations, and responding to subpoenas and requests for discovery.

7. To representatives of the General Services Administration and the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

8. Records maintained in the COMF-WAV subsystem may be disclosed to the General Accounting Office in connection with its responsibility for approving waiver of erroneous overpayment of pay claims pursuant to 5 U.S.C. 5584 and 4 CFR Parts 91-93.

9. Records maintained in the COMF-FCC subsystem may be disclosed to commercial collection agencies under contract with EPA, as provided by 31 U.S.C. 3718 and 40 CFR Part 13, for collection purposes.

10. Records maintained in the COMF-RCD subsystem may be disclosed to rental car companies as part of EPA's resolution of claims by the rental car companies for damage.

11. Records maintained in COMF-RCD may be disclosed to Federal agencies where relevant to their involvement in the rental agreement or claims arising from it.

12. Records maintained in the COMF-GAR subsystem may be disclosed to the State agency responsible for child support and/or alimony collection and enforcement.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from records maintained in the COMF-FCC subsystem to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Debt Collection Act of 1982 (31 U.S.C. 3701(a)(3)(B)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records in COMF are maintained in file folders in file cabinets within the Claims Office and are accessible through computer indexes maintained in the Claims Office.

Retrievability:

Records in COMF are retrievable by the name of the person, corporation, local or state government or Indian tribe, and the assigned claim number. This information is maintained in computer indexes within the Claims Office.

Safeguards:

COMF records are kept in locked file cabinets in a building with restricted access. The computer indexes are accessible only through a personal computer within the claims area and which has restricted entry requiring keyed access.

Retention and disposal:

COMF records are retained for ten (10) years. A resolved claim is retained within the Claims Office for five (5) years then transferred to the Federal Records Center where it is retained for an additional five (5) years. The record is destroyed by the Federal Records Center at the end of the retention period.

System manager(s) and address:

EPA Claims Officer, Office of General Counsel (LE-132G), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Notification procedure:

Individuals seeking to determine if COMF contains a record pertaining to them may send an inquiry to the System Manager at the address identified above. The inquiry should contain the full name and address of the claimant, a specific statement of what is requested and the assigned EPA claim number if known. The System Manager may require additional identifying information.

Record access procedures:

Same as notification procedures. In addition, the requestor should identify the specific record being sought.

Contesting record procedures:

Same as notification procedures. In addition, the individual should reasonably identify the record, specify the information he/she is contesting, and provide justification for the requested amendment or correction.

Record source categories:

Information in all COMF subsystems is provided by the individual covered by the system and by EPA employees in their official capacities. In addition, other sources may provide information as follows:

COMF-TOR—local police authorities and witnesses;
COMF-FCC—private collection agencies and credit bureaus, other Federal agencies, local officials and State employees;
COMF-MCE—law enforcement and security personnel;
COMF-GAR—State court authorities and garnishors;
COMF-RCD—rental car companies and automobile repair companies.

Systems exempted from certain provisions of the act:

None.

EPA-25

System name:

Accounts Receivable Module EPA/FMD-EPA-25.

Security classification:

None.

System location:

All EPA Servicing Finance Offices. These are:

Headquarters—401 M St., SW., Washington, DC 20460
Region 1—John F. Kennedy Bldg. R2203, Boston, MA 02203
Region 2—26 Federal Plaza, New York, NY 10278
Region 3—841 Chestnut Street, Philadelphia, PA 19107
Region 4—345 Courtland Street, NE, Atlanta, GA 30365
Region 5—230 South Dearborn St., Chicago, IL 60604
Region 6—1445 Ross Avenue, Suite 1200, Dallas, TX 75270
Region 7—726 Minnesota Avenue, Kansas City, KS 66101
Region 8—999 18th St., Suite 500, Denver, CO 80202-2405
Region 9—215 Fremont St., San Francisco, CA 94105
Region 10—1200 6th Avenue, Seattle, WA 98101
Cincinnati Financial Office—26 West Martin Luther King Dr., Cincinnati, OH 45268
Las Vegas Financial Office—P.O. Box 18418, Las Vegas, NV 89114

Research Triangle Park, North Carolina (MD-20) 27711

Categories of individuals covered by the system:

Individuals who owe the Environmental Protection Agency monies. This includes, but is not limited to, monies owed for refunds, penalties, travel advances, Interagency Agreements, or Freedom of Information Requests. This system also contains information on corporations and other entities who are in debt to EPA. Records on these corporations and other entities are not subject to the Privacy Act.

Categories of records in the system:

This system of records contains personal, identifying information such as names, addresses, and Social Security numbers of persons indebted to EPA. The system also contains information about the nature of the debt or claim, the amount owed, the history status of the debt, and information which relates to and documents efforts to collect debts owed the Agency.

Authority for maintenance of the system:

35 U.S.C. 3512; 5 U.S.C. 5514; 5 U.S.C. 552a(b)(12); 31 U.S.C. 3702, 3711, and 3716—3718; Executive Order 9397.

Purpose(s):

Records in this system will be used primarily to create a record of, and to track, all accounts receivable and to assist EPA in collecting debts owed the Agency.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in this system may be disclosed for routine uses as follows:

1. To a Member of Congress or a congressional office in response to an inquiry from that Member or office made at the request of the individual to whom the record pertains.

2. To EPA contractors who have been engaged to assist EPA in the performance of activities related to this system of records and who need to have access to the records in order to perform under the contract. Contractors are required to maintain the records in accordance with the requirements of the Privacy Act.

3. To a Federal agency which has requested information relevant to its decision in connection with the hiring or retention of an employee; the reporting of an investigation on an employee; the letting of a contract; or the issuance of a security clearance, license, grant, or other benefit.

4. To a Federal, State or local agency where necessary to enable EPA to obtain information relevant to an EPA decision concerning the hiring or retention of an employee; the letting of a contract, or the issuance of a security clearance, license, grant, or other benefit.

5. To an appropriate Federal, State, local or foreign agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation or order, where there is an indication of a violation or potential violation of the statute, rule, regulation or order and the information disclosed is relevant to the matter.

6. To the Department of Justice to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to litigation or anticipated litigation in which one of the following is a party or has an interest: (a) EPA or any of its components, (b) an EPA employee in his or her official capacity, (c) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (d) the United States where EPA determines that the litigation is likely to affect the Agency.

7. In a proceeding before a court, other adjudicative body or grand jury, or in an administrative or regulatory proceeding, to the extent that each disclosure is compatible with the purpose for which the records were collected and is relevant and necessary to the proceeding in which one of the following is a party or has an interest: (a) EPA or any of its components, (b) an EPA employee in his or her official capacity, (c) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (d) the United States where EPA determines that the litigation is likely to affect the Agency. Such disclosures include, but are not limited to, those made in the course of presenting evidence, conducting settlement negotiations, and responding to subpoenas and requests for discovery.

8. To representatives of the General Services Administration and the National Archives and Record Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

9. To the General Accounting Office, Office of Management and Budget, and Department of Treasury for the purposes of carrying out EPA's financial management responsibilities.

10. The following disclosures of information in this system may be made in order to help collect debts owed the EPA:

a. To provide information to the Internal Revenue Service in order to obtain taxpayer mailing addresses to locate such taxpayers for the purpose of collecting debts owed the EPA.

b. To provide taxpayer mailing addresses obtained from the IRS to agents of EPA in order to locate the taxpayer for debt collection purposes. The Debt Collection Act of 1982 prohibits the disclosure of such mailing addresses to consumer reporting agencies except for the purpose of having such agencies prepare reports on the taxpayer for use by Federal agencies. Accordingly, EPA will disclose this information to consumer reporting agencies only to obtain credit reports to help collect debts owed the EPA.

c. To provide debtor information to consumer reporting agencies in order to obtain credit reports for use by EPA for debt collection purposes.

d. To provide debtor information to other Federal agencies to effect salary and administrative offsets.

e. To provide debtor information to debt collection agencies under contract to EPA to help collect debt owed EPA. Such agencies will be required to comply with the Privacy Act and their agents will be made subject to the criminal penalty provisions of that Act.

f. To provide debtor information to the Justice Department for litigation or further administrative action in connection with debt collection.

g. To provide debtor information to the Internal Revenue Service for the purpose of reporting discharged debts declared uncollectable as a result of defaulted obligations.

h. To provide information as necessary to other Federal agencies conducting computer matching programs to help eliminate fraud and abuse and to detect unauthorized overpayments made to individuals. (In that event, EPA will comply with the Computer Matching and Privacy Protection Act of 1988 and appropriate Office of Management and Budget guidelines.)

Note: The term "debtor information" as used in the routine uses above is limited to the individual's name, address, social security number, and other information necessary to identify the individual; the amount, status and history of the claim; and the agency or program under which the claim arose.

Disclosure to consumer reporting agencies:

Disclosure to consumer reporting agencies: Pursuant to 5 U.S.C. 552a(b)(12), disclosure may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Tapes, disks, printouts, and other hard copies. Paper records maintained by each Servicing Finance Office (located in 14 offices nationwide). Computer tapes and disks maintained in Research Triangle Park—National Computer Center, N.C.

Retrievability:

Records are indexed by an account receivable control number (a number assigned to each "incoming" account receivable). Individual records can be accessed by using a cross-reference table which links accounts receivable control numbers with debtor names and associated debtor information.

Safeguards:

Records are accessible only to authorized EPA personnel. For automated records, only authorized EPA personnel with proper passwords may access records. Other records and computer terminals are maintained in offices which are locked during non-duty hours.

Retention and disposal:

Manual records are maintained until the indebtedness is paid, at which time they are disposed of in a manner which ensures confidentiality of the information. Automated records are purged annually for paid debts.

System manager(s) and address:

Director, Financial Management Division (PM-226F), EPA, 401 M Street SW., Washington, DC 20460.

Notification procedure:

To obtain information on whether this system contains information on you, contact the System Manager, in writing, at the address listed above. The request should be notarized to verify your identity. You should include your full name, current address, telephone number, and Social Security Number (SSN). Your SSN will be used only to verify your identity. Providing your SSN is voluntary, but your failure to do so will not effect your rights, although it may delay the verification process. The System Manager may require other information from you.

Record access procedures:

To obtain a copy of a record pertaining to you, follow the Notification Procedure described above. In addition, specify the records being sought.

Contesting record procedures:

To request a correction or amendment of a record pertaining to you, follow the Notification Procedure described above. In addition, you should identify the record which you wish corrected and the corrective action sought, and provide supporting justification for the correction.

Record source categories:

Individuals covered by the system, supervisors, consumer reporting agencies, debt collection agencies, the Department of the Treasury and other Federal agencies.

Systems exempted from certain provisions of the act:

None.

Title 40—Protection of Environmental

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 16—IMPLEMENTATION OF PRIVACY ACT OF 1974

Sec.

- 16.1 Purpose and scope.
- 16.2 Definitions.
- 16.3 Procedures for requests pertaining to individual records in a record system.
- 16.4 Times, places, and requirements for identification of individuals making requests.
- 16.5 Disclosure of requested information to individuals.
- 16.6 Special procedures: Medical records.
- 16.7 Request for correction or amendment of record.
- 16.8 Initial determination on request for correction or amendment of record.
- 16.9 Appeal of initial adverse agency determination on request for correction or amendment.
- 16.10 Disclosure of record to person other than the individual to whom it pertains.
- 16.11 Fees.
- 16.12 Penalties.
- 16.13 General exemptions.
- 16.14 Specific exemptions.

Authority: 5 U.S.C. 552a.

Source: 40 FR 53582, Nov. 19, 1975, unless otherwise noted.

§ 16.1 Purpose and scope.

(a) This part sets forth the Environmental Protection Agency procedures under the Privacy Act of 1974 as required by 5 U.S.C. 552a(f).

(b) These procedures describe how an individual may request notification of whether EPA maintains a record pertaining to him or her in any of its systems of records, request access to the record or to an accounting of its disclosure, request that the record be amended or corrected, and appeal an initial adverse determination concerning any such request.

(c) These procedures apply only to requests by individuals and only to records maintained by EPA, excluding those systems specifically exempt under §§ 16.13 and 16.14 and those determined as government-wide and published by the Civil Service Commission in 5 CFR Parts 293 and 297.

§ 16.2 Definitions.

As used in this part:

(a) The terms "individual," "maintain," "record," "system of records," and "routine use" shall have the meaning given them by 5 U.S.C. 552a (a)(2), (a)(3), (a)(4), (a)(5) and (a)(7), respectively.

(b) "EPA" means the Environmental Protection Agency.

(c) "Working days" means calendar days excluding Saturdays, Sundays, and legal public holidays.

§ 16.3 Procedures for requests pertaining to individual records in a record system.

Any individual who wishes to have EPA inform him or her whether a system of records maintained by EPA contains any record pertaining to him or her which is retrieved by name or personal identifier, or who wishes to request access to any such record, shall submit a written request in accordance with the instructions set forth in EPA's annual notice of systems for that system of records. This request shall include:

(a) The name of the individual making the request;

(b) The name of the system of records (as set forth in the EPA notice of systems) to which the request relates;

(c) Any other information which the system notice indicates should be included; and

(d) If the request is for access, a statement as to whether a personal inspection or a copy by mail is desired.

§ 16.4 Times, places, and requirements for identification of individuals making requests.

(a) If an individual submitting a request for access under § 16.3 has asked that EPA authorize a personal inspection of records, and EPA has granted the request, he or she may present himself or herself at the time and place specified in EPA's response or arrange another time with the appropriate agency official.

(b) Prior to inspection of records, an individual shall present sufficient identification (e.g., driver's license, employee identification card, social security card, credit card) to establish that he or she is the individual to whom the records pertain. An individual who is unable to provide such identification shall complete and sign, in the presence of an agency official, a statement declaring his or her identity and stipulating that he or she understands it is a misdemeanor punishable by fine up to \$5,000 to knowingly and willfully seek or obtain access to records about another individual under false pretenses.

(c) If an individual, having requested personal inspection of his or her records, wishes to have another person accompany him or her during inspection, he or she shall submit a written statement authorizing disclosure in the presence of the other person(s).

(d) An individual who has made a personal inspection of records may then request copies of those records. Such

requests may be granted, but fees may be charged in accordance with § 16.11.

(e) If an individual submitting a request under § 16.3 wishes to have copies furnished by mail, he or she must include with the request sufficient data to allow EPA to verify his or her identity. Should sensitivity of the records warrant it, EPA may require a requester to submit a signed and notarized statement indicating that he or she is the individual to whom the records pertain and that he or she understands it is a misdemeanor punishable by fine up to \$5,000 to knowingly and willfully seek or obtain access to records about another individual under false pretenses. Such mail requests may be granted, but fees may be charged in accordance with § 16.11.

(f) No verification of identity will be required where the records sought are publicly available under the Freedom of Information Act, as EPA procedures under 40 CFR Part 2 will then apply.

§ 16.5 Disclosure of requested information to individuals.

(a) Each request received will be acted upon promptly.

(b) Within 10 working days of receipt of a request, the system manager shall acknowledge the request. Whenever practicable, the acknowledgment will indicate whether or not access will be granted and, if so, when and where. When access is to be granted, it shall be provided within 30 working days of first receipt. If the agency is unable to meet this deadline, the records system manager shall so inform the requester stating reasons for the delay and an estimate of when access will be granted.

(c) If a request pursuant to § 16.3 for access to a record is in a system of records which is exempted, the records system manager will determine whether the information will nonetheless be made available. If the determination is to deny access, the reason for denial and the appeal procedure will be given to the requester.

(d) Any person whose request is initially denied may appeal that denial to the Privacy Act Officer, who shall make an appeal determination within 10 working days.

(e) If the appeal under paragraph (d) of this section is denied, the requester may bring a civil action under 5 U.S.C. 552a(g) to seek review of the denial.

§ 16.6 Special procedures: Medical records.

Should EPA receive a request for access to medical records (including psychological records) disclosure of

which the system manager determines would be harmful to the individual to whom they relate, EPA may refuse to disclose the records directly to the individual and instead offer to transmit them to a physician designated by the individual.

§ 16.7 Request for correction or amendment of record.

(a) An individual may request correction or amendment of any record pertaining to him or her in a system of records maintained by EPA by submitting to the system manager, in writing, the following:

(1) The name of the individual making the request;

(2) The name of the system, as described in the notice of systems;

(3) A description of the nature and substance of the correction or amendment request; and

(4) Any additional information specified in the system notice.

(b) Any person submitting a request under this section shall include sufficient information in support of that request to allow EPA to apply the standards set forth in 5 U.S.C. 552a (e)(1) and (e)(5).

(c) Any person whose request is denied may appeal that denial to the Privacy Act Officer.

(d) In the event that appeal is denied, the requester may bring a civil action to seek review of the denial, under 5 U.S.C. 552a(g).

§ 16.8 Initial determination on request for correction or amendment of record.

(a) Within 10 working days of receipt of a request for amendment or correction, the system manager shall acknowledge the request, and promptly either:

(1) Make any correction, deletion, or addition which the requester believes should be made; or

(2) Inform the requester of his or her refusal to correct or amend the record, the reason for refusal, and the procedures for appeal.

(b) If the system manager is unable to comply with the preceding paragraphs within 30 working days of his or her receipt of a request, he or she will inform the requester of that fact the reasons, and an estimate of when a determination will be reached.

(c) In conducting the review of the request, the system manager will be guided by the requirements of 5 U.S.C. 552a (e)(1) and (e)(5).

(d) If the system manager determines to grant all or any portion of the request, he or she will:

(1) Advise the individual of that determination;

(2) Make the correction or amendment; and

(3) So inform any person or agency outside EPA to whom the record has been disclosed, and, where an accounting of that disclosure is maintained in accordance with 5 U.S.C. 552a(c), note the occurrence and substance of the correction or amendment in the accounting.

(e) If the system manager determines not to grant all or any portion of a request for correction or amendment, he or she will:

(1) Comply with paragraph (d)(3) of this section (if necessary);

(2) Advise the individual of the determination and its basis;

(3) Inform the individual that an appeal may be made; and

(4) Describe the procedures for making the appeal.

(f) If EPA receives from another Federal agency a notice of correction or amendment of information furnished by that agency and contained in one of EPA's systems of records, the system manager shall advise the individual and make the correction as if EPA had originally made the correction or amendment.

§ 16.9 Appeal of initial adverse agency determination on request for correction or amendment.

(a) Any individual whose request for correction or amendment is initially denied by EPA and who wishes to appeal may do so by letter to the Privacy Act Officer. The appeal shall contain a description of the initial request sufficient to identify it.

(b) The Privacy Act Officer shall make a final determination not later than 30 working days from the date on which the individual requests the review, unless, for good cause shown, the Privacy Act Officer extends the 30-day period and notifies the requester. Such extension will be utilized only in exceptional circumstances.

(c) In conducting the review of an appeal, the Privacy Act Officer will be guided by the requirements of 5 U.S.C. 552a(e)(1) and (e)(5).

(d) If the Privacy Act Officer determines to grant all or any portion of an appeal he or she shall so inform the requester and EPA shall make the correction or amendment and comply with § 16.8(d)(3).

(e) If the Privacy Act Officer determines not to grant all or any portion of an appeal he or she shall inform the requester:

(1) Of the determination and its basis;

(2) Of the requester's right to file a concise statement of reasons for disagreeing with EPA's decision;

(3) Of the procedures for filing such statement of disagreement;

(4) That such statements of disagreements will be made available in subsequent disclosures of the record, together with an agency statement (if deemed appropriate) summarizing its refusal;

(5) That prior recipients of the disputed record will be provided with statements as in paragraph (e)(4) of this section, to the extent that an accounting of disclosures is maintained under 5 U.S.C. 552a(c); and

(6) Of the requester's right to seek judicial review under 5 U.S.C. 552a(g).

§ 16.10 Disclosure of record to person other than the individual to whom it pertains.

EPA shall not disclose any record which is contained in a system of records it maintains except pursuant to a written request by, or with the written consent of, the individual to whom the record pertains, unless the disclosure is authorized by one or more of the provisions of 5 U.S.C. 552a(b).

§ 16.11 Fees.

No fees shall be charged for providing the first copy of a record or any portion to an individual to whom the record pertains. The fee schedule for reproducing other records is the same as that set forth in 40 CFR 2.120.

§ 16.12 Penalties.

The Act provides, in pertinent part:

"Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000." (5 U.S.C. 552a(i)(3).)

§ 16.13 General exemptions.

(a) *Systems of records affected.*

¶ EPA-4 OIG Criminal Investigative Index and Files—EPA/OIG.

¶ EPA-17 NEIC Criminal Investigative Index and Files—EPA/NEIC/OIG.

(b) *Authority.* Under 5 U.S.C. 552a(j)(2), the head of any agency may by rule exempt any system of records within the agency from certain provisions of the Privacy Act of 1974, if the system of records is maintained by an agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws and which consists of:

(1) Information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges,

sentencing, confinement, release, and parole and probation status;

(2) Information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or

(3) Reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision.

(c) *Scope of exemption.* (1) The EPA-4 system of records identified in § 16.13(a) is maintained by the Office of Investigations of the Office of Inspector General (OIG), a component of EPA which performs as its principal function activities pertaining to the enforcement of criminal laws. Authority for the criminal law enforcement activities of the OIG's Office of Investigations is the Inspector General Act of 1978, 5 U.S.C. app.

(2) The EPA-17 system of records identified in § 16.13(a) is maintained by the Office of Criminal Investigations (OCI) of the National Enforcement Investigations Center (NEIC), a component of EPA which performs as its principal function activities pertaining to the enforcement of criminal laws. Authority for the criminal law enforcement activities of the NEIC's Office of Criminal Investigations is 28 U.S.C. 533, with appointment letter from Benjamin Civiletti, Attorney General, to Douglas Costle, Administrator, EPA, dated January 16, 1981.

(3) The systems of records identified in § 16.13(a) are exempted from the following provisions of the Privacy Act of 1974: 5 U.S.C. 552a(c) (3) and (4); (d); (e) (1), (2), (3), (4) (G), (H), and (I), (5), and (8); (f); and (g).

(4) To the extent that the exemption claimed under 5 U.S.C. 552a(j)(2) is held to be invalid for the systems of records identified in § 16.13(a), then an exemption under 5 U.S.C. 552a(k)(2) is claimed for these systems of records.

(d) *Reasons for exemption.* The systems of records identified in § 16.13(a) are exempted from the above provisions of the Privacy Act of 1974 for the following reasons:

(1) 5 U.S.C. 552a(c)(3) requires an agency to make the accounting of each disclosure of records available to the individual named in the record at his request. These accountings must state the date, nature, and purpose of each disclosure of a record and the name and address of the recipient. Accounting for each disclosure would alert the subjects of an investigation to the existence of the investigation and the fact that they are subjects of the investigation. The release of such information to the

subjects of an investigation would provide them with significant information concerning the nature of the investigation, and could seriously impede or compromise the investigation, endanger the physical safety of confidential sources, witnesses, law enforcement personnel and their families, and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(2) 5 U.S.C. 552a(c)(4) requires an agency to inform any person or other agency about any correction or notation of dispute made by the agency in accordance with subsection (d) of the Act. Since EPA is claiming that these systems of records are exempt from subsection (d) of the Act, concerning access to records, this section is inapplicable and is exempted to the extent that these systems of records are exempted from subsection (d) of the Act.

(3) 5 U.S.C. 552a(d) requires an agency to permit an individual to gain access to records pertaining to him, to request amendment to such records, to request a review of an agency decision not to amend such records, and to contest the information contained in such records. Granting access to records in these systems of records could inform the subject of an investigation of an actual or potential criminal violation of the existence of that investigation, of the nature and scope of the information and evidence obtained as to his activities, of the identity of confidential sources, witnesses, and law enforcement personnel, and could provide information to enable the subject to avoid detection or apprehension. Granting access to such information could seriously impede or compromise an investigation, endanger the physical safety of confidential sources, witnesses, law enforcement personnel and their families, lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony, and disclose investigative techniques and procedures. In addition, granting access to such information could disclose classified, security-sensitive, or confidential business information and could constitute an unwarranted invasion of the personal privacy of others.

(4) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required by statute or by executive order of the President. The application of this provision could impair investigations and law enforcement, because it is not always possible to detect the relevance

or necessity of specific information in the early stages of an investigation. Relevance and necessity are often questions of judgment and timing, and it is only after the information is evaluated that the relevance and necessity of such information can be established. In addition, during the course of the investigation, the investigator may obtain information which is incidental to the main purpose of the investigation but which may relate to matters under the investigative jurisdiction of another agency. Such information cannot readily be segregated. Furthermore, during the course of the investigation, the investigator may obtain information concerning the violation of laws other than those which are within the scope of his jurisdiction. In the interest of effective law enforcement, the EPA investigators should retain this information, since it can aid in establishing patterns of criminal activity and can provide valuable leads for other law enforcement agencies.

(5) 5 U.S.C. 552a(e)(2) requires an agency to collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs. The application of this provision could impair investigations and law enforcement by alerting the subject of an investigation of the existence of the investigation, enabling the subject to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony. Moreover, in certain circumstances the subject of an investigation cannot be required to provide information to investigators, and information must be collected from other sources. Furthermore, it is often necessary to collect information from sources other than the subject of the investigation to verify the accuracy of the evidence collected.

(6) 5 U.S.C. 552a(e)(3) requires an agency to inform each person whom it asks to supply information, on a form that can be retained by the person, of the authority under which the information is sought and whether disclosure is mandatory or voluntary; of the principal purposes for which the information is intended to be used; of the routine uses which may be made of the information; and of the effects on the person, if any, of not providing all or any part of the requested information. The application of this provision could provide the subject of an investigation with substantial information about the nature of that investigation, which could

interfere with the investigation. Moreover, providing such a notice to the subject of an investigation could seriously impede or compromise an undercover investigation by revealing its existence and could endanger the physical safety of confidential sources, witnesses, and investigators by revealing their identities.

(7) 5 U.S.C. 552a(e)(4) (G) and (H) require an agency to publish a **Federal Register** notice concerning its procedures for notifying an individual at his request if the system of records contains a record pertaining to him, how he can gain access to such a record, and how he can contest its content. Since EPA is claiming that these systems of records are exempt from subsection (f) of the Act, concerning agency rules, and subsection (d) of the Act, concerning access to records, these requirements are inapplicable and are exempted to the extent that these systems of records are exempted from subsections (f) and (d) of the Act. Although EPA is claiming exemption from these requirements, EPA has published such a notice concerning its notification, access, and contest procedures because, under certain circumstances, EPA might decide it is appropriate for an individual to have access to all or a portion of his records in these systems of records.

(8) 5 U.S.C. 552a(e)(4)(I) requires an agency to publish a **Federal Register** notice concerning the categories of sources of records in the system of records. Exemption from this provision is necessary to protect the confidentiality of the sources of information, to protect the privacy and physical safety of confidential sources and witnesses, and to avoid the disclosure of investigative techniques and procedures. Although EPA is claiming exemption from this requirement, EPA has published such a notice in broad generic terms in the belief that this is all subsection (e)(4)(I) of the Act requires.

(9) 5 U.S.C. 552a(e)(5) requires an agency to maintain its records with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in making any determination about the individual. Since the Act defines "maintain" to include the collection of information, complying with this provision would prevent the collection of any data not shown to be accurate, relevant, timely, and complete at the moment it is collected. In collecting information for criminal law enforcement purposes, it is not possible to determine in advance what information is accurate, relevant, timely,

and complete. Facts are first gathered and then placed into a logical order to prove or disprove objectively the criminal behavior of an individual. Material which may seem unrelated, irrelevant, or incomplete when collected may take on added meaning or significance as the investigation progresses. The restrictions of this provision could interfere with the preparation of a complete investigative report, thereby impeding effective law enforcement.

(10) 5 U.S.C. 552a(e)(8) requires an agency to make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record. Complying with this provision could prematurely reveal an ongoing criminal investigation to the subject of the investigation.

(11) 5 U.S.C. 552a(f)(1) requires an agency to promulgate rules which shall establish procedures whereby on an individual can be notified in response to his request if any system of records named by the individual contains a record pertaining to him. The application of this provision could impede or compromise an investigation or prosecution if the subject of an investigation was able to use such rules to learn of the existence of an investigation before it could be completed. In addition, mere notice of the fact of an investigation could inform the subject or others that their activities are under or may become the subject of an investigation and could enable the subjects to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony. Since EPA is claiming that these systems of records are exempt from subsection (d) of the Act, concerning access to records, the requirements of subsections (f) (2) through (5) of the Act, concerning agency rules for obtaining access to such records, are inapplicable and are exempted to the extent that these systems of records are exempted from subsection (d) of the Act. Although EPA is claiming exemption from the requirements of subsection (f) of the Act, EPA has promulgated rules which establish Agency procedures because, under certain circumstances, it might be appropriate for an individual to have access to all or a portion of his records in these systems of records. These procedures are described elsewhere in this Part.

(12) 5 U.S.C. 552a(g) provides for civil remedies if an agency fails to comply

with the requirements concerning access to records under subsections (d) (1) and (3) of the Act; maintenance of records under subsection (e)(5) of the Act; and any other provision of the Act, or any rule promulgated thereunder, in such a way as to have an adverse effect on an individual. Since EPA is claiming that these systems of records are exempt from subsections (c) (3) and (4), (d), (e) (1), (2), (3), (4) (G), (H), and (I), (5), and (8), and (f) of the Act, the provisions of subsection (g) of the Act are inapplicable and are exempted to the extent that these systems of records are exempted from those subsections of the Act.

(e) *Exempt records provided by another agency.* Individuals may not have access to records maintained by the EPA if such records were provided by another agency which has determined by regulation that such records are subject to general exemption under 5 U.S.C. 552a(j). If an individual requests access to such exempt records, EPA will consult with the source agency.

(f) *Exempt records included in a nonexempt system of records.* All records obtained from a system of records which has been determined by regulation to be subject to general exemption under 5 U.S.C. 552a(j) retain their exempt status even if such records are also included in a system of records for which a general exemption has not been claimed.

[51 FR 24146, July 2, 1986]

§ 16.14 Specific exemptions.

(a) Exemption under 5 U.S.C. 552a(k)(2)—(1) *Systems of records affected.*

¶ EPA-2 General Personnel Records—EPA.

¶ EPA-4 OIG Criminal Investigative Index and Files—EPA/OIG.

¶ EPA-5 OIG Personnel Security Files—EPA/OIG.

¶ EPA-17 NEIC Criminal Investigative Index and Files—EPA/NEIC/OCI.

(2) *Authority.* Under 5 U.S.C. 552a(k)(2), the head of any agency may by rule exempt any system of records within the agency from certain provisions of the Privacy Act of 1974, if the system of records is investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2).

(3) *Scope of exemption.* (i) The systems of records identified in § 16.14(a)(1) are exempted from the following provisions of the Privacy Act of 1974, subject to the limitations set forth in 5 U.S.C. 552a(k)(2): 5 U.S.C. 552a (c)(3); (d); (e)(1), (4) (G), (H), and (I); and (f).

(ii) An individual is "denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material," only if the Agency actually uses the material in denying or proposing to deny such right, privilege, or benefit.

(iii) To the extent that records contained in the systems of records identified in § 16.14(a)(1) are maintained by the Office of Investigations of the OIG or by the Office of Criminal Investigations of the NEIC, components of EPA which perform as their principal function activities pertaining to the enforcement of criminal laws, then an exemption under 5 U.S.C. 552a(j)(2) is claimed for these records.

(4) *Reasons for exemption.* The systems of records identified in § 16.14(a)(1) are exempted from the above provisions of the Privacy Act of 1974 for the following reasons:

(i) 5 U.S.C. 552a(c)(3) requires an agency to make the accounting of each disclosure of records available to the individual named in the record at his request. These accountings must state the date, nature, and purpose of each disclosure of a record and the name and address of the recipient. Accounting for each disclosure would alert the subjects of an investigation to the existence of the investigation and the fact that they are subjects of the investigation. The release of such information to the subjects of an investigation would provide them with significant information concerning the nature of the investigation, and could seriously impede or compromise the investigation, endanger the physical safety of confidential sources, witnesses, law enforcement personnel and their families, and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(ii) 5 U.S.C. 552a(d) requires an agency to permit an individual to gain access to records pertaining to him, to request amendment to such records, to request a review of an agency decision not to amend such records, and to contest the information contained in such records. Granting access to records in these systems of records could inform the subject of an investigation of an actual or potential criminal violation of the existence of that investigation, of the nature and scope of the information and evidence obtained as to his activities, of the identity of confidential sources, witnesses, and law enforcement personnel, and could provide information to enable the subject to avoid detection or apprehension.

Granting access to such information could seriously impede or compromise an investigation, endanger the physical safety of confidential sources, witnesses, law enforcement personnel and their families, lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony, and disclose investigative techniques and procedures. In addition, granting access to such information could disclose classified, security-sensitive, or confidential business information and could constitute an unwarranted invasion of the personal privacy of others.

(iii) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required by statute or by executive order of the President. The application of this provision could impair investigations and law enforcement, because it is not always possible to detect the relevance or necessity of specific information in the early stages of an investigation. Relevance and necessity are often questions of judgment and timing, and it is only after the information is evaluated that the relevance and necessity of such information can be established. In addition, during the course of the investigation, the investigator may obtain information which is incidental to the main purpose of the investigation but which may relate to matters under the investigative jurisdiction of another agency. Such information cannot readily be segregated. Furthermore, during the course of the investigation, the investigator may obtain information concerning the violation of laws other than those which are within the scope of his jurisdiction. In the interest of effective law enforcement, EPA investigators should retain this information, since it can aid in establishing patterns of criminal activity and can provide valuable leads for other law enforcement agencies.

(iv) 5 U.S.C. 552a(e)(4) (G) and (H) require an agency to publish a **Federal Register** notice concerning its procedures for notifying an individual at his request if the system of records contains a record pertaining to him, how he can gain access to such a record, and how he can contest its content. Since EPA is claiming that these systems of records are exempt from subsection (f) of the Act, concerning agency rules, and subsection (d) of the Act, concerning access to records, these requirements are inapplicable and are exempted to the extent that these systems of records are exempted from subsections (f) and (d) of the Act. Although EPA is claiming

exemption from these requirements, EPA has published such a notice concerning its notification, access, and contest procedures because, under certain circumstances, EPA might decide it is appropriate for an individual to have access to all or a portion of his records in these systems of records.

(v) 5 U.S.C. 552a(e)(4)(I) requires an agency to publish a **Federal Register** notice concerning the categories of sources of records in the system of records. Exemption from this provision is necessary to protect the confidentiality of the sources of information, to protect the privacy and physical safety of confidential sources and witnesses, and to avoid the disclosure of investigative techniques and procedures. Although EPA is claiming exemption from this requirement, EPA has published such a notice in broad generic terms in the belief that this is all subsection (e)(4)(I) of the Act requires.

(vi) 5 U.S.C. 552a(f)(1) requires an agency to promulgate rules which shall establish procedures whereby an individual can be notified in response to his request if any system of records named by the individual contains a record pertaining to him. The application of this provision could impede or compromise an investigation or prosecution if the subject of an investigation was able to use such rules to learn of the existence of an investigation before it could be completed. In addition, mere notice of the fact of an investigation could inform the subject or others that their activities are under or may become the subject of an investigation and could enable the subjects to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony. Since EPA is claiming that these systems of records are exempt from subsection (d) of the Act, concerning access to records, the requirements of subsections (f) (2) through (5) of the Act, concerning agency rules for obtaining access to such records, are inapplicable and are exempted to the extent that these systems of records are exempted from subsection (d) of the Act. Although EPA is claiming exemption from the requirements of subsection (f), EPA has promulgated rules which establish Agency procedures because, under certain circumstances, it might be appropriate for an individual to have access to all or a portion of his records in these systems of records. These procedures are described elsewhere in this Part.

(b) *Exemption under 5 U.S.C. 552a(k)(5).*—(1) *Systems of records affected.*

¶ EPA-2 General Personnel Records—EPA.

¶ EPA-4 OIG Criminal Investigative Index and Files—EPA/OIG.

¶ EPA-5 OIG Personnel Security Files—EPA/OIG.

(2) *Authority.* Under 5 U.S.C. 552a(k)(5), the head of any agency may by rule exempt any system of records within the agency from certain provisions of the Privacy Act of 1974, if the system of records is investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity would be held in confidence.

(3) *Scope of exemption.* (i) The systems of records identified in § 16.14(b)(1) are exempted from the following provisions of the Privacy Act of 1974, subject to the limitations of 5 U.S.C. 552a(k)(5): 5 U.S.C. 552a(c)(3); (d); (e)(1), (4) (H) and (I); and (f) (2) through (5).

(ii) To the extent that records contained in the systems of records identified in § 16.14(b)(1) reveal a violation or potential violation of law, then an exemption under 5 U.S.C. 552a(k)(2) is also claimed for these records.

(4) *Reasons for exemption.* The systems of records identified in § 16.14(b)(1) are exempted from the above provisions of the Privacy Act of 1974 for the following reasons:

(i) 5 U.S.C. 552a(c)(3) requires an agency to make the accounting of each disclosure of records available to the individual named in the record at his request. These accountings must state the date, nature, and purpose of each disclosure of a record and the name and address of the recipient. Making such an accounting could cause the identity of a confidential source to be revealed, endangering the physical safety of the confidential source, and could impair the future ability of the EPA to compile investigatory material for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information.

(ii) 5 U.S.C. 552a(d) requires an agency to permit an individual to gain access to

records pertaining to him, to request amendment to such records, to request a review of an agency decision not to amend such records, and to contest the information contained in such records. Granting such access could cause the identity of a confidential source to be revealed, endangering the physical safety of the confidential source, and could impair the future ability of the EPA to compile investigatory material for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information.

(iii) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required by statute or by executive order of the President. The application of this provision could impair investigations, because it is not always possible to detect the relevance or necessity of specific information in the early stages of an investigation. Relevance and necessity are often questions of judgment and timing, and it is only after the information is evaluated that the relevance and necessity of such information can be established.

(iv) 5 U.S.C. 552a(e)(4)(H) requires an agency to publish a **Federal Register** notice concerning its procedures for notifying an individual at his request how he can gain access to any record pertaining to him and how he can contest its content. Since EPA is claiming that these systems of records are exempt from subsections (f) (2) through (5) of the Act, concerning agency rules, and subsection (b) of the Act, concerning access to records, these requirements are inapplicable and are exempted to the extent that these systems of records are exempted from subsections (f) (2) through (5) and (d) of the Act. Although EPA is claiming exemption from these requirements, EPA has published such a notice concerning its access and contest procedures because, under certain circumstances, EPA might decide it is appropriate for an individual to have access to all or a portion of his records in these systems of records.

(v) 5 U.S.C. 552a(e)(4)(I) requires an agency to publish a **Federal Register** notice concerning the categories of sources of records in the system of records. Exemption from this provision is necessary to protect the confidentiality of the sources of information, to protect the privacy and physical safety of confidential sources, and to avoid the disclosure of investigative techniques and procedures.

Although EPA is claiming exemption from this requirement, EPA has published such a notice in broad generic terms in the belief that this is all subsection (e)(4)(I) of the Act requires.

(vi) 5 U.S.C. 552a(f) (2) through (5) require an agency to promulgate rules for obtaining access to records. Since EPA is claiming that these systems of records are exempt from subsection (d) of the Act, concerning access to records, the requirements of subsections (f) (2) through (5) of the Act, concerning agency rules for obtaining access to such records, are inapplicable and are exempted to the extent that this system of records is exempted from subsection (d) of the Act. Although EPA is claiming exemption from the requirements of subsections (f) (2) through (5) of the Act, EPA has promulgated rules which establish Agency procedures because, under certain circumstances, it might be appropriate for an individual to have access to all or a portion of his records in this system of records. These procedures are described elsewhere in this part.

(c) *Exemption under 5 U.S.C. 552a(k)(1).*—(1) *System of records affected.*

¶ EPA-5 OIG Personnel Security Files—EPA/OIG.

(2) *Authority.* Under 5 U.S.C.

552a(k)(1), the head of any agency may by rule exempt any system of records within the agency from certain provisions of the Privacy Act of 1974, if the system of records is subject to the provisions of 5 U.S.C. 552(b)(1). A system of records is subject to the provisions of 5 U.S.C. 552(b)(1) if it contains records that are specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order. Executive Order 12356 establishes criteria for classifying records which are to be kept secret in the interest of national defense or foreign policy.

(3) *Scope of exemption.* To the extent that the system of records identified in § 16.14(c)(1) contains records provided by other Federal agencies that are specifically authorized under criteria established by Executive Order 12356 to be kept secret in the interest of national defense or foreign policy and are in fact properly classified by other Federal agencies pursuant to that Executive order, the system of records is exempted from the following provisions of the Privacy Act of 1974: 5 U.S.C. 552a(c)(3); (d); (e)(1), (4) (G), (H), and (I); and (f).

(4) *Reasons for exemption.* The system of records identified in

§ 16.14(c)(1) is exempted from the above provisions of the Privacy Act of 1974 for the following reasons:

(i) 5 U.S.C. 552a(c)(3) requires an agency to make the accounting of each disclosure of records available to the individual named in the record at his request. These accountings must state the date, nature, and purpose of each disclosure of a record and the name and address of the recipient. Making such an accounting could result in the release of properly classified information, which would compromise the national defense or disrupt foreign policy.

(ii) 5 U.S.C. 552a(d) requires an agency to permit an individual to gain access to records pertaining to him, to request amendment to such records, to request a review of an agency decision not to amend such records, and to contest the information contained in such records. Granting such access could cause the release of properly classified information, which would compromise the national defense or disrupt foreign policy.

(iii) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required by statute or by executive order of the President. The application of this provision could impair personnel security investigations which use properly classified information, because it is not always possible to know the relevance or necessity of specific information in the early stages of an investigation. Relevance and necessity are often questions of judgment and timing, and it is only after the information is evaluated that the relevance and necessity of such information can be established.

(iv) 5 U.S.C. 552a(e)(4) (G) and (H) require an agency to publish a **Federal Register** notice concerning its procedures for notifying an individual at his request if the system of records contains a record pertaining to him, how he can gain access to such a record, and how he can contest its content. Since EPA is claiming that this system of records is exempt from subsection (f) of the Act, concerning agency rules, and subsection (d) of the Act, concerning access to records, these requirements are inapplicable and are exempted to the extent that this system of records is exempted from subsections (f) and (d) of the Act. Although EPA is claiming exemption from these requirements, EPA has published such a notice concerning its notification, access, and contest procedures because, under certain circumstances, EPA might decide it is appropriate for an individual to have access to all or a portion of his records in this system of records.

(v) 5 U.S.C. 552a(e)(4)(I) requires an agency to publish a **Federal Register** notice concerning the categories of sources of records in the system of records. Exemption from this provision is necessary to prevent the release of properly classified information, which would compromise the national defense or disrupt foreign policy. Although EPA is claiming exemption from this requirement, EPA has published such a notice in broad generic terms in the belief that this is all subsection (e)(4)(I) of the Act requires.

(vi) 5 U.S.C. 552(a)(f)(1) requires an agency to promulgate rules which shall establish procedures whereby an individual can be notified in response to his request if any system of records named by the individual contains a record pertaining to him. The application of this provision could result

in the release of properly classified information, which would compromise the national defense or disrupt foreign policy. Since EPA is claiming that this system of records is exempt from subsection (d) of the Act, concerning access to records, the requirements of subsections (f) (2) through (5) of the Act, concerning agency rules for obtaining access to such records, are inapplicable and are exempted to the extent that this system of records is exempted from subsection (d) of the Act. Although EPA is claiming exemption from the requirements of subsection (f) of the Act, EPA has promulgated rules which establish Agency procedures because, under certain circumstances, it might be appropriate for an individual to have access to all or a portion of his records in this system of records. These procedures are described elsewhere in this Part.

(d) *Exempt records provided by another agency.* Individuals may not have access to records maintained by the EPA if such records were provided by another agency which has determined by regulation that such records are subject to general exemption under 5 U.S.C. 552a(j) or specific exemption under 5 U.S.C. 552a(k). If an individual requests access to such exempt records, EPA will consult with the source agency.

(e) *Exempt records included in a nonexempt system of records.* All records obtained from a system of records which has been determined by regulation to be subject to specific exemption under 5 U.S.C. 552a(k) retain their exempt status even if such records are also included in a system of records for which a specific exemption has not been claimed.

[51 FR 24146, July 2, 1986]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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II. Appendix

(A) List of Field Offices and Headquarters Offices for the Equal Employment Opportunity Commission.

(B) Additional Routine Uses for Systems EEOC-2 and 4-13.

EEOC-1

System name:

Age and Equal Pay Act Discrimination Case Files—EEOC.

System location:

District Office or Area Office where the charge or complaint of discrimination was filed (see Appendix A).

Categories of individuals covered by the system:

Any charging party or complainant who alleges that an employment practice made unlawful by the Age Discrimination in Employment Act of 1967, as amended, or the Equal Pay Act of 1963, as amended, has been committed by an employer, employment agency or labor organization.

Categories of records in the system:

Written documents filed by charging party or complainant alleging discrimination, original communication, perfected charge, amended charge, confidential personal interview statement; copy of referral letter to State; communication requesting assumption of jurisdiction; receipt for copy of charge, copy of acknowledgement to complaining party of receipt of allegation of charge; analysis of referral agency action or nonaction; charging party's or complainant's statements and affidavits; report of initial and exit interviews; follow-up correspondence from charging party or complainant; statements and affidavits of witnesses favorable to charging party; statements of respondent and witnesses favorable to respondent; statements, including confidential personal interview statements of EEOC produced witnesses; respondent's statement of position; correspondence and documentation related thereto; documentary evidence gathered from respondent such as earnings, records of jobs and records of charging party's jobs and earnings of co-workers, employee benefit plans, seniority list, job titles, job descriptions, applicant data, and an analysis of such documents; affidavits or statements of any additional witnesses interviewed and copies of any documents submitted by them; observations made on a tour of respondent's facilities, organizational charts, diagrams, summaries of comments made by employees regarding work facilities, EEO data, EEO report forms, community background data, and history of employment relationships; collective bargaining agreements when relevant to the issue and related supplements and modifications; copies of any subpoenas issued, and any petitions to modify or revoke; copies of any temporary restraining orders issued to seek preliminary relief in the case; investigator's notes and analyses of data; transcriptions, extensions, and computations from payroll records; summary of unpaid wages, decisions and letters of determination; no fault and conciliation agreements; copies of correspondence with complaining parties and respondent regarding the status and disposition of the case; copies of receipts for restitution of unpaid wages; and any additional evidence gathered during the course of the investigation.

Authority for maintenance of the system:

5 U.S.C. 301, 29 U.S.C. 209, 211, 216, 217, 625, and 626; 44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of this system of records is to provide for the federal prohibition against employment discrimination in the private and public sectors based on the Age Discrimination in Employment Act or the Equal Pay Act. The records are the official file to be utilized by authorized EEOC personnel, including—investigators, conciliators, attorneys, research assistants and analysts, Commissioners, compliance personnel and District and Area Directors, in making an official determination regarding the validity of the charge or complaint of discrimination and as supportive material for any cases which are subsequently conciliated, negotiated or litigated by the EEOC. These records may be used:

a. To disclose pertinent information to the appropriate Federal, State, or local agency as may be appropriate or necessary to carrying out the Commission's functions under the Age Discrimination in Employment Act or Equal Pay Act.

b. To disclose information contained in these records to State and local agencies administering State or local fair employment practices laws.

c. To disclose to those EEOC officials who are personally responsible for the processing and resolution of the charge or complaint of discrimination, such information as is absolutely necessary in furtherance of the processing or resolution of the complaint.

d. To disclose information from closed ADEA/EPA case files (a closed file occurs when the Commission has completed or stops its investigation and has decided not to sue) to charging parties or complainants and other employees who have been notified by the Commission of their private rights under 29 U.S.C. 216 to bring action on their own behalf or their representatives, except for the following records which will not be disclosed:

1. EEOC Form 156.

2. Investigator's Narrative.

3. Deliberative materials, such as, but not limited to, investigator's notes, recommendations as to possible action, inter-agency or intra-agency memorandums, etc.

4. Legal opinions.

5. Affidavits or statements of individuals promised confidentiality, identity of confidential source, or any information which might identify a confidential source.

6. Specific settlement offers.

7. Records of an employer of a payroll or personnel nature, except to the extent that such records are relevant to complainant's or charging party's proposed or pending litigation and which would be discoverable from the respondent by a charging party or complainant in a civil action.

e. With regard to concurrent Title VII and ADEA/EPA requests, access to information relating to Title VII allegations will be governed by System EEOC-3 and access to information relating to either ADEA or EPA allegations will be governed by System EEOC-1.

f. Disclosure of the status of the processing of a charge or complaint of employment discrimination may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are maintained in file folders and tape and computer printouts.

Retrievability:

These records are cross-indexed by charging party name, respondent name and charge number. The records may be retrieved by any of the above three indexes.

Safeguards:

Records are maintained in a secured area to which only authorized personnel have access. Access to and use of these records is limited to those persons whose official duties require such access, or to those persons indicated in the listing of routine uses above. Personnel are screened to prevent unauthorized disclosure and the premises are locked when authorized personnel are not on duty.

Retention and disposal:

Case files which are received in the Office of Field Services and the Office of General Counsel are returned to their respective field offices. Cases which are dismissed or closed for other than no cause are to be destroyed six (6) months following the date of dismissal or closure. No cause files which are of value in the development of future class action or pattern and practice cases are retired to the Federal Records Center one (1) year after the date of the last action

and destroyed after three (3) additional years. All other no cause files are destroyed one (1) year after the date of last action. Negotiated settlement files are destroyed one (1) year after the calendar year in which the settlement agreement is signed or until all obligations under the agreement are satisfied, whichever occurs later. Where monetary benefits are realized in concurrent Age, Equal Pay, and Title VII Cases, the file is returned to the Federal Records Center one (1) year after the date of last action and destroyed two (2) years later. Other files are retired to the Federal Records Center one (1) year after the date of the last action, including action in the federal courts or the last compliance review (the final report submitted by the respondent after conciliation to indicate compliance) and destroyed after three (3) additional years, except landmark cases. Landmark cases are transferred to the nearest Federal Records Center two (2) years after final court action and offered to the National Archives ten (10) years after final court action.

System manager(s) and address:

District Director or Area Director of the field office where charge was filed.

Notification procedure:

Any person wanting to know whether there is a record on him or her maintained in this system should contact the appropriate system manager. Such person must furnish the following information when making inquiries about the existence of records on himself or herself:

- a. Full name;
- b. Approximate date of filing of charge or complaint;
- c. Charge number;
- d. Whether charge or complaint alleges violation of Age Discrimination in Employment Act, Equal Pay Act or both;
- e. Name of respondent.

Record access procedures:

Individuals do not have access to their records in this System because the system of records is exempt from subsection (d)(1) of the Act.

Record source categories:

The sources of these records are:

- a. Individual to whom record pertains;
- b. Documentary evidence of interested persons;
- c. Documentary evidence of respondents;
- d. Correspondence from interested organization or persons.

Systems exempted from certain provisions of the act:

Pursuant to subsection (k)(2) of the Act, 5 U.S.C. 552a(k)(2), this system of records is exempt from subsections (c)(3), (d), (e)(1), (e)(4)(H), and (f) of the Act.

EEOC—2

System name:

Attorney Referral List—EEOC.

System location:

All district and area offices (see Appendix A).

Categories of individuals covered by the system:

Attorneys.

Categories of records in the system:

Contains attorney's names, business addresses and telephone numbers, nature and amount of civil rights litigation experience, state and Federal bar admission; whether the attorneys have the capacity and desire to handle class actions; whether the attorneys charge consultation fees (and how much); whether the attorneys will waive the consultation fee; the types of fee arrangements the attorney will accept; and whether the attorneys speak a foreign language fluently.

Authority for maintenance of the system: 42 U.S.C. 2000e-4(g); 44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by EEOC personnel as a source of attorneys to whom charging parties can be referred to handle the litigation of their title VII complaints.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Stored on prepared forms and 3 inch by 5 inch cards.

Retrievability:

Indexed alphabetically by names of the attorneys.

Safeguards:

Access to this system of records is restricted to EEOC district and area office personnel who have a legitimate use for the information contained therein. This system is stored in filing cabinets.

Retention and disposal:

Files are broken annually, transferred to the Federal Records Center when two years old, and destroyed when five years old.

System manager(s) and address:

The Regional Attorney at each EEOC district office (see Appendix A).

Notification procedure:

Inquiries concerning this system of records should be addressed to the system manager. It is necessary to furnish the following information in order to identify the individual whose records are requested: (1) Full name of the individual; (2) mailing address to which reply should be sent.

Record access procedures:

Same as the above.

Contesting record procedures:

Same as the above.

Record source categories:

Attorneys.

EEOC—3

System name:

Charge of Discrimination Case Files—EEOC.

System location:

District office or area office where the charge of discrimination was filed (see appendix).

Categories of individuals covered by the system:

Any aggrieved individuals who charge that an unlawful employment practice within the meaning of title VII of the Civil Rights Act of 1964, as amended, has been committed by an employer, employment agency, labor organization or joint labor-management apprenticeship committee.

Categories of records in the system:

Grievance filed by charging party alleging discrimination, original communication, perfected charge, amended charge; copy of deferral letter to state; communication requesting assumption of jurisdiction; receipt for copy of charge, receipt for notification of charge; analysis of deferral agency action or nonaction; charging party's statements and affidavits; report of initial and exit interviews; follow-up letter from charging party; statements and affidavits of charging party's witnesses; statement of respondent and respondent's witnesses; respondent's statement of position; correspondence and documentation related thereto; documentary evidence gathered from respondent such as charging party's records of jobs and earnings, records of jobs and earnings of coworkers, seniority list, job titles and an analysis of such documents; affidavits or statements of any additional witnesses interviewed and copies of any documents submitted by them; observations made on a tour of respondent's facilities, organizational charts, diagrams, summaries of comments made by employees regarding work facilities, EEO data, EEO Report forms; community background data such as racial and ethnic composition, education level by minority group status and sex, average income by minority status and sex, and history of employment relationships; collective bargaining agreements when relevant to the issue and related supplements or modifications to the contracts; copies of any subpoenas issued, and any petitions to modify or revoke; copies of any temporary restraining orders issued to seek preliminary relief in the case; investigator's notices and analysis of data: Decisions and Letters of Determination; conciliation agreements; statements or affidavits of additional witnesses contacted in connection with the investigation made; and any additional evidence gathered during the course of the investigation.

Authority for maintenance of the system:

5 U.S.C. 301; 42 U.S.C. 2000e-5, -8, and -9; 44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of this system of records is to provide for the federal prohibition against employment discrimination in the private and public sector based on race, color, religion, sex or national origin. The records are the official file to be utilized by authorized EEOC personnel, including investigators, conciliators, attorneys, research assistants and analysts, Commissioners, Compliance personnel and Regional and District Directors, in making an official determination regarding the validity of the charge of discrimination and as supportive material for any cases which are subsequently conciliated, or

litigated by the EEOC or the Department of Justice. Other uses include the following: (1) To conduct compliance reviews with local, State and Federal agencies, such as the Office of Federal Contract Compliance, Department of Justice, Department of Labor, Office of Revenue Sharing of the Treasury Department, Law Enforcement Assistance Administration, and other Federal agencies as may be appropriate or necessary to carrying out the Commission's functions under the title (see 42 U.S.C. 2000e-4(g)(1), 8 (b) and (d)); (2) sharing information contained in these records with State and local agencies administering State or local fair employment practices laws (see 42 U.S.C. 2000e-4(g)(1), 8 (b) and (d)); (3) sharing information in case files with the following person(s) in contemplation of or in connection with title VII litigation:

- (a) Charging parties and their attorneys;
- (b) Aggrieved persons in case files involving Commissioner Charges and their attorneys provided that such persons have been notified of their status as aggrieved persons pursuant to section 1601.25(c) of the Commission's Procedural Regulations;
- (c) Persons or organizations filing on behalf of an aggrieved person, provided that the aggrieved person has given written authorization to the person who filed on his or her behalf to act as the aggrieved person's agent for this purpose and their attorneys;
- (d) Employees of Commission-funded groups such as the Mexican-American Legal Defense and Education Fund and Lawyer's Committee for Civil Rights Under Law for the purpose of reviewing information in case files to determine the appropriateness of referral to private attorneys as a service to charging parties, provided that the Commission-funded group is reviewing the information at the request of the charging party;
- (e) Respondents and their attorneys, provided that the charging party or aggrieved person has filed suit under Title VII; and cooperating with private Title VII litigants and prospective Title VII litigants by allowing, when requested, access to information in other case files involving the same respondent, provided that the information in the other case files is relevant or material to the private litigant's case.

Disclosure of the status of the processing of a charge of employment discrimination may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders, tape and computer print-outs.

Retrievability:

Cross-indexed by charging party name, respondent name, and charge number; may be retrieved by any of the above three indexes.

Safeguards:

Records are handled by authorized personnel of the Equal Employment Opportunity Commission and others; see routine uses. Premises are locked when authorized personnel are not on duty. Periodic security checks and emergency planning.

Retention and disposal:

Case files which are received in the Office of Field Services and the Office of General Counsel are returned to their respective field offices. Cases which are dismissed or closed for other than no cause are to be destroyed six (6) months following the date of dismissal or closure. No cause files which are of value in the development of future class action or pattern and practice cases are retired to the Federal Records Center one (1) year after the date of the last action and destroyed after three (3) additional years. All other no cause files are destroyed one (1) year after the date of last action. Negotiated settlement files are destroyed one (1) year after the calendar year in which the settlement agreement is signed or until all obligations under the agreement are satisfied, whichever occurs later. Where monetary benefits are realized in concurrent Age, Equal Pay, and Title VII Cases, the file is retired to the Federal Records Center one (1) year after the date of last action and destroyed two (2) years later. Other files are retired to the Federal Records Center one (1) year after the date of the last action, including action in the federal courts or the last compliance review (the final report submitted by the respondent after conciliation to indicate compliance) and destroyed after three (3) additional years, except landmark cases. Landmark cases are transferred to the nearest Federal Records Center two (2) years after final court action and offered to the National Archives ten (10) years after final court action.

System manager(s) and address:

District Director or Area Director of the field office where charge was filed.

Systems exempted from certain provisions of the act:

System is exempt under 5 U.S.C. 552a(k)(2).

EEOC-4

System name:

Commissioners' Biographical File—EEOC.

System location:

Office of Congressional Affairs, Equal Employment Opportunity Commission, 2401 E Street, NW, Washington, D.C. 20506.

Categories of individuals covered by the system:

Current and former Commissioners of EEOC.

Categories of records in the system:

Includes name, date and place of birth, education and employment histories, Congressional confirmation hearing transcript, speeches, and publications.

Authority for maintenance of the system:

44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by the staff of the Office of Congressional Affairs to answer public and Congressional inquiries regarding EEOC Commissioners. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Stored on paper.

Retrievability:

Indexed alphabetically by last name of the Commissioner.

Safeguards:

Stored in standard file cabinets. Available to office employees and Commissioners.

Retention and disposal:

Maintained indefinitely.

System manager(s) and address:

Director, Office of Congressional Affairs, Equal Employment Opportunity Commission, 2401 E Street NW, Washington, D.C. 20506.

Notification procedure:

Inquiries concerning this system of records should be addressed to the system manager. All inquiries should furnish the full name of the individual, and the mailing address to which the reply should be mailed.

Record access procedures:

Same as the above.

Contesting record procedures:

Same as the above.

Record source categories:

The Commissioner to whom the record pertains, publications, and original data generated by the Commission.

EEOC-5

System name:

Correspondence and Congressional Inquiries—EEOC.

System location:

Office of Congressional Affairs, Equal Employment Opportunity Commission, 2401 E Street NW, Washington, D.C. 20506.

Categories of individuals covered by the system:

Current and former EEOC employees, charging parties, members of Congress, members of the general public.

Categories of records in the system:

Includes name of inquiring individuals and information submitted by them; date inquiry received; date response due; to whom inquiry assigned; date response sent out; issue raised in the inquiry.

Authority for maintenance of the system:

44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used (a) as a control of incoming correspondence, a record file as to the nature and status of the correspondence, a reference of assignment for outgoing response, a reference to previous correspondence on the same subject; and (b) to avoid duplication of responses and to assure a reply to Congressional inquiries.

Disclosure may be made to a congressional office from the record of an individual in response to a inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Stored in loose-leaf notebooks and on control slips.

Retrievability:

Indexed numerically by date of incoming letter and alphabetically by name of the inquiring member of Congress and inquiring party.

Safeguards:

Stored in standard file cabinets. Access to the records of daily incoming and outgoing correspondence is limited to office employees. Records of these files are stored in locked desk drawers.

Retention and disposal:

Congressional inquiries are maintained for two years. These files are broken every two years and destroyed at that time.

System manager(s) and address:

Director, Office of Congressional Affairs, Equal Employment Opportunity Commission, 2401 E Street, NW, Washington, D.C. 20506.

Notification procedure:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager.

Record access procedures:

Same as the above.

Contesting record procedures:

Same as the above.

Record source categories:

Correspondence from members of Congress and their staffs, charging parties, members of the general public, and data generated within the Commission.

EEOC-6

System name:

Employee Alcoholism and Drug Abuse Records—EEOC.

System location:

Equal Employment Opportunity Commission, 2401 E. St., NW, Washington, D.C. 20506, district and area offices (see appendix).

Categories of individuals covered by the system:

Current and former employees of EEOC.

Categories of records in the system:

Contains information relating to individuals who are referred to the Public Health Service, other agency operating health facilities, alcoholic and drug abuse treatment and/or rehabilitation centers, and private physicians.

Authority for maintenance of the system:

5 U.S.C. 301; 5 U.S.C. 7901; 42 U.S.C. 218; 44 U.S.C. 396(a); 29 CFR Part 1510; 45 CFR 57.1 et seq.; 38 FR, Part 1401, CSC FPM Letters No. 792-6 and -7; Bureau of the Budget Circular A-68, August 28, 1964; Bureau of the Budget Circular A-72, June 18, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by authorized personnel of the EEOC Headquarters, district and area offices, personnel division upon the individual's request; by governmental personnel for purposes of attaining benefits; for disclosure in connection with judicial or administrative proceedings; for disclosure to medical personnel to meet a medical emergency; for disclosure to qualified personnel for purposes or research, audits, or program evaluation; for disclosure of a minor patient to his/her parents under applicable guidelines.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Indexed by the names of the persons on whom they are maintained.

Safeguards:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal:

HM Individual health record cards are destroyed six years after last entry. Log of visit to facility: If summarized, destroyed three months after last entry; if not summarized, destroyed two years after last entry. Health record case files, related forms, correspondence and papers which document employee medical history except pre-employment health qualification placement records, disability retirement exams, and fitness for duty examinations which become a part of the OPF (Standard Form 66) upon separation, are maintained for a period of six years after date of last entry. At the conclusion of the prescribed time period these records are destroyed.

System manager(s) and address:

Director of Personnel, Equal Employment Opportunity Commission, 2401 E Street, NW, Washington, D.C. 20506. District and Area Directors, and Regional Attorneys, EEOC district and area locations (see appendix).

Notification procedure:

Individuals who have been referred to PHS, or other agency operating health facilities are aware of that fact and any inquiries concerning this system should be addressed to the Director of Personnel, headquarters, or the District or Area Directors and Regional Attorneys at the district and area locations where individual is currently employed. Individuals should provide their full name, date of birth and social security number.

Record access procedures:

Same as the above.

Contesting record procedures:

Same as the above.

Record source categories:

The individual to whom the record pertains; private physicians; medical institutions; Veterans Administration benefits program; office of workers' compensation programs; pay and leave allowance cards; health benefits records system; OPM personnel management evaluation and audit record system.

EEOC-7

System name:

Employee Pay and Leave Records—EEOC

System location:

All locations listed in Appendix A.

Categories of individuals covered by the system:

Current and former employees of EEOC.

Categories of records in the system:

Time and attendance cards and forms; leave records (employee name, branch or office, pay period ending, leave and overtime used during the pay period); requests for leave (earned or advance) or leave of absence; requests for an authorization of overtime; annual attendance record (indicates name, social security number, service computation date, hours and dates worked and taken as leave, pay plan, salary and occupation code, grade, leave earned and used); bond issuance and bond balance.

Authority for maintenance of the system:

5 U.S.C. 301; 44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

May be used by authorized EEOC personnel to keep a daily record of leave and overtime acquired and used; as a basis for maintaining an employee's official time card; and as a counseling aid for employees and to assist in evaluating an employee's performance.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Routine uses of records maintained in this system include providing a copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Chairman. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority

of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the Chairman.

In the absence of a withholding agreement, the social security number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the social security number, in accordance with Section 7 of the Privacy Act, 5 U.S.C. 552a, Pub. L. 93-579.

Records maintained in this system may be disclosed, as necessary, to employees of the Educational Systems Corporation for research purposes only to study the effects of providing day-care services on the job productivity and worker satisfaction of Commission employees.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a "routine use," to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the Office of Personnel Management in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Stored on magnetic tape.

Retrievability:

Indexed by an assigned employee code.

Safeguards:

Access to any information maintained therein is limited to employees whose official duties require such access.

Retention and disposal:

The records are maintained for three (3) years. Thereafter, they are manually destroyed.

System manager(s) and address:

Chief, Finance Branch, EEOC, 2401 E Street NW, Washington, D.C. 20506.

Notification procedure:

Inquiries concerning this system of records should be addressed to the System manager. It is necessary to furnish the following information (1) name (2) social security number (3) mailing address to which the response is to be sent.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Bills, receipts, and claims presented by employees and original data generated by the Commission.

Systems exempted from certain provisions of the act:

Official personnel folder, data submitted by employees, and data submitted by the offices where the individuals are or were employed.

EEOC-8

System name:

Employee Travel and Reimbursement Records:

System location:

EEOC Headquarters, 2401 E Street NW, Washington, D.C. 20506.

Categories of individuals covered by the system:

Current and former EEOC employees.

Categories of records in the system:

Includes travel orders, records of travel advances, amounts owed the agency by employees for travel and other purposes, amounts payable to the employee for travel and other purposes, payments made to the employees for travel and other reimbursable transactions and a record of the difference between the cost of official travel as estimated in the travel order and the amount actually expended by the employee.

Authority for maintenance of the system:

31 U.S.C. 66a; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by authorized personnel in the Finance Branch at headquarters as a record of planned and completed travel expenses; as a justification of government travel disbursements; and to record accounts receivable from and payable to the government for accounts advanced to the employee or owed to the employee for official travel and other purposes.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred as a "routine use," to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract or the issuance of license, grant or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the Office of Personnel Management in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Stored on prepared forms and on punched and unpunched cards.

Retrievability:

Indexed alphabetically by name, social security number, and/or chronologically by event and name.

Safeguards:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Files are stored in standard cabinets, safes and secured rooms.

Retention and disposal:

Maintained for varying periods of time in accordance with GSA General Records Schedule 2. They are then manually destroyed.

System manager(s) and address:

Director of each Commission Office or Division at headquarters; District and Area Directors (see Appendix A.).

Notification procedure:

Employees of the Commission wishing to know whether information about them is maintained in this system of records should address inquiries to the Director of the Office or Division where employed or to the District or Area Director if employed at a field installation (see Appendix A.). Former employees separated from the Commission and no longer in the federal service should address all inquiries to the National Personnel Records Center, General Services Administration, 111 Winnebago Street, St. Louis, Missouri 03118. The individual should provide his or her full name, date of birth, social security number and mailing address.

Record access procedures:

Same as the above.

Contesting record procedures:

Same as the above.

EEOC-9

System name:

Labor-Management Negotiated Agreements—EEOC.

System location:

Equal Employment Opportunity Commission, 2401 E Street, NW, Washington, D.C. 20506. District and area offices.

Categories of individuals covered by the system:

Current and former employees of EEOC.

Categories of records in the system:

Contains information or documents relating to the Commission's labor-management relations program, including information and decisions by the Department of Labor, Federal Labor Relations Authority, and the Impasses Panel.

Authority for maintenance of the system:

5 U.S.C. 301; 5 U.S.C. 7001; 44 U.S.C. 396(a); Lloyd-LaFollette Act of 1912; Executive Order 11491, as amended; 5 CFR 711.101-711.102.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by authorized EEOC personnel to respond to inquiries or requests from parties to the negotiated agreement; inquiries from other federal agencies; a court subpoena or to refer to a District Court; request by parties having standing under Executive Order 11491, as amended; and in a proceeding authorized by Executive Order 11491, as amended.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders, binders, and on index cards.

Retrievability:

Indexed by subject matter and the names of parties involved.

Safeguards:

Limited to individuals whose official duties require access and the parties having a standing in a particular labor-management proceeding.

Retention and disposal:

Maintained for five (5) years and then manually destroyed.

System manager(s) and address:

Directors of Personnel, Equal Employment Opportunity Commission, 2401 E Street, NW, Washington, D.C. 20506. District Directors at district offices (see Appendix A.).

Notification procedure:

Employees and former employees of EEOC wishing to know whether information about them is maintained in this system of records should address inquiries to the Director of Personnel, at the above address, if they are or were employed at headquarters, Washington, D.C. or to the District Director at the installation where the individual is or was employed (see appendix). The individuals should provide their full name, date of birth and social security number.

Record access procedures:

Same as the above.

Contesting record procedures:

Same as the above.

Record source categories:

The individual to whom the record pertains; members of the bargaining unit; EEOC officials whose official duties require access to the records; authorized officials from the Department of Labor, Office of Personnel Management, Federal Mediation and Conciliation Service, Federal Labor Relations Authority, Federal Service Impasses Panel, and other third parties to disputes resolution, including arbitrators; other federal agencies having a standing in the Commission's dispute or requesting information; research groups; courts and litigation; the Congress upon requests.

EEOC-10 [Reserved]

EEOC-11

System name:

Correspondence File—EEOC.

System location:

Seattle District Office and Chicago District Office (See Appendix A.).

Categories of individuals covered by the system:

Charging parties, applicants for employment and members of the general public.

Categories of records in the system:

Includes name of inquiring individuals and information submitted by them; date inquiry received; date response sent out; issue raised in the inquiry; to whom inquiry assigned.

Authority for maintenance of the system:

44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used (a) as a control of incoming correspondence, a record file as to the nature and status of the correspondence, a reference of assignment for outgoing response, a reference to previous correspondence on the same subject; and (b) to avoid duplication of responses and to assure a reply to all those who have sent inquiries to this office.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are stored on paper in file folders.

Retrievability:

This system is indexed numerically by date of inquiry and alphabetically by name of inquirer for each yearly quarter.

Safeguards:

The files are stored in locked file cabinets. Access to the files is limited to office employees.

Retention and disposal:

Destroyed when six (6) months old.

System manager(s) and address:

Director, Chicago District Office, Equal Employment Opportunity Commission, Federal Building, Room 234, 536 South Clark Street, Chicago, Illinois 60605; Director, Seattle District Office, Equal Employment Opportunity Commission, Dexter Horton Bldg., 7th Fl., 710 Second Ave., Seattle, Washington 98104.

Notification procedure:

Inquiries concerning this system of records should be addressed to the system manager. It is necessary to furnish the following information in order to identify the individual whose records are requested: (1) Full name of the individual, (2) mailing address to which reply should be mailed, (3) date(s) of correspondence.

Record access procedures:

Same as the above.

Contesting record procedures:

Same as the above.

Record source categories:

Correspondence from charging parties, applicants for employment and the general public.

EEOC—12

System name:

Officials' Biographical File—EEOC.

System location:

Office of Public Affairs, Equal Employment Opportunity Commission, Columbia Plaza, 2401 E Street NW, Washington, D.C.

Categories of individuals covered by the system:

Current and past EEOC officials.

Categories of records in the system:

Includes name, date and place of birth, education and employment histories, job duties, past experiences.

Authority for maintenance of the system:

44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by the staff of the Office of Public Affairs to answer public inquiries regarding EEOC officials.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are stored on paper in file folders.

Retrievability:

This system is indexed alphabetically by last name of official.

Safeguards:

The files are stored in a standard file cabinet which is available to office employees.

Retention and disposal:

Destroyed when no longer needed for administrative purposes.

System manager(s) and address:

Director, Office of Public Affairs, Equal Employment Opportunity Commission, 2401 E Street NW, Washington, D.C. 20506.

Notification procedure:

Inquiries concerning this system of records should be addressed to the system manager. It is necessary to furnish the following information in order to identify the individual whose records are requested: (1) Full name of the individual, (2) mailing address to which reply should be mailed.

Record access procedures:

Same as the above.

Contesting record procedures:

Same as the above.

Record source categories:

The official to whom the information pertains.

EEOC—13

System name:

Employee Performance, Effectiveness and Evaluation System.

System location:

Dallas District Office, Houston District Office, New Orleans District Office (see Appendix A for Office Directors).

Categories of individuals covered by the system:

Equal Employment Specialists employed within the above mentioned offices.

Categories of records in the system:

Names of employees, dates of evaluations, file numbers of compliance files evaluated, and categorization and description of any errors

or deficiencies in the investigation or conciliation, job title and/or grade, and tabulation of units of work completed, and quality control data.

Authority for maintenance of the system:

44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by the Directors of the above mentioned District Offices for assignment making, for employee evaluation of error patterns, for definition of training needs, and for identification of problems which may be corrected by changing procedures.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are stored on paper and prepared forms in file folders.

Retrievability:

This system is indexed alphabetically by the last name of employee or numerically by employee code.

Safeguards:

The files are locked in file cabinets or stored in desk drawers. Access is limited to Commission employees whose official duties require access.

Retention and disposal:

Maintained for varying periods of time, from two (2) to three (3) years, in accordance with GSA General Records Schedule 1. They are then manually destroyed.

System manager(s) and address:

Director, Dallas District Office, Houston District Office, and New Orleans District Office.

Notification procedure:

Inquiries concerning this system of records should be addressed to the system manager. It is necessary to furnish the following information in order to identify the individual whose records are requested: (1) The full name of the individual; (2) the district office where the individual is or was employed; (3) social security number; (4) the address to which the response should be sent.

Record access procedures:

Same as the above.

Contesting record procedures:

Same as the above.

Record source categories:

Work units are submitted by employees. Analyses are made of employees' and supervisors' performance by supervisors and District Director, respectively.

EEOC—14

System name:

Grievance Records.

System location:

These records are located in the Office of Personnel, Equal Employment Opportunity Commission, 2401 E Street, NW, Washington, D.C. 20506, or in other offices of the EEOC's headquarters and field offices in which the grievances have been filed.

Categories of individuals covered by the system:

Current or former Federal employees who have submitted grievances with the EEOC in accordance with Part 771 of the regulations of the Office of Personnel Management (OPM)(5 CFR Part 771) and EEOC Order No. 571, or a negotiated procedure.

Categories of records in the system:

The system contains records relating to grievances filed by the EEOC employees under Part 771 of OPM's regulations and EEOC Order No. 571. These case files contain all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that the agency has or may establish through negotiations with recognized labor organizations.

Authority for maintenance of the system:

5 U.S.C. 301; 44 U.S.C. 396(a); 5 U.S.C. 7121.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records and information in these records may be used:

a. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested.

c. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the agency's decision on the matter.

d. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2908.

g. By the EEOC or OPM in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

h. To disclose information to officials of the Merit Systems Protection Board including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel; or OPM when requested in performance of their authorized duties.

i. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

j. To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are maintained in file folders.

Retrievability:

These records are retrieved by the names of the individuals on whom they are maintained.

Safeguards:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

Retention and disposal:

These records are disposed of 3 years after closing of the case. Disposal is by shredding or burning.

System manager(s) and address:

a. When a grievance is pending at the field office level, the system manager is the Director of the Area or District Office. Addresses for these offices are listed in Appendix A.

b. When a grievance is pending at the headquarters office level, the system manager is the head of the office, Names of headquarters offices which are located at 2401 E Street, NW, Washington, D.C. 20506, are listed in Appendix A.

c. In all other situations, the system manager is the Chief, Labor Relations Branch, Personnel Division, 2401 E Street, NW, Washington, D.C. 20506.

Notification procedure:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the agency personnel or designated office where the action was processed regarding the existence of such records on them. They must furnish the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.

c. Approximate date of closing of the case and kind of action taken.

d. Organizational component involved.

Record access procedures:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. However, after the action has been closed, an individual may request access to the official copy of the grievance file by contacting the agency personnel or designated office where the action was processed.

Individuals must provide the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.
- c. Approximate date of closing of the case and kind of action taken.
- d. Organizational component involved.

Individual requesting access must also follow the EEOC's Privacy Act regulations regarding access to records and verification of identity (29 CFR Part 1611).

Contesting record procedures:

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment to their records to correct factual errors should contact the agency personnel or designated office where the grievance was processed. Individuals must furnish the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.
- c. Approximate date of closing of the case and kind of action taken.
- d. Organizational component involved.

Individual requesting access must also follow the EEOC's Privacy Act regulations regarding amendment to records and verification of identity (29 CFR Part 1611).

Record source categories:

Information in this system of records is provided:

- a. By the individual on whom the record is maintained.
- b. By testimony of witnesses.
- c. By agency officials.
- d. From related correspondence from organizations or persons.

EEOC/GOVT-1

System name:

Equal Employment Opportunity Complaint Records and Appeal Records.

System location:

Equal employment opportunity complaint files are maintained in an Office of Equal Employment Opportunity or other designated office of the agency or department with which the complaint is filed. Appeals of final decisions or orders of agencies or departments on complaints of discrimination, petitions for review of decisions of the Merit Systems Protection Board, and documents pertaining to review of final decisions in negotiated grievance actions are maintained in the Office of Review and Appeals, Equal Employment Opportunity Commission, 2401 E Street, NW, Washington, D.C. 20506.

Categories of individuals covered by the system:

Applicants for federal employment and current and former federal employees who file complaints of discrimination or reprisal, or who file appeals from agency decisions, petitions for review of decisions of the Merit Systems Protection Board, or requests for review of final decisions in negotiated grievance actions.

Categories of records in the system:

This system of records contains information or documents relating to a decision or determination made by an agency or the Commission affecting an individual. This system of records includes files of Fair Labor Standards Act complaints (Equal Pay Act), Age Discrimination in Employment Act complaints, handicap discrimination complaints, complaints filed under section 717 of Title VII (42 U.S.C. 2000e-16), and all appeals.

Authority for maintenance of the system:

42 U.S.C. section 2000e-16(b) and (c); 5 U.S.C. section 552a; 29 U.S.C. sections 204(f) and 206(d); 29 U.S.C. section 633(a); 29 U.S.C.

section 791; Reorg. Plan No. 1 of 1978, 43 FR 19807 (May 9, 1978); Exec. Order No. 12106, 44 FR 1053 (Jan. 3, 1979).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records and information in the records may be used:

a. To respond to a request from a Member of Congress regarding the status of an appeal, complaint, or grievance.

b. To provide information to the public on the decision of an appeal, complaint, or grievance required by the Freedom of Information Act.

c. To respond to a court subpoena and/or refer to a district court in connection with a civil suit.

d. To adjudicate an appeal, complaint or grievance.

e. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies. The records may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate individuals for personnel research.

f. To refer pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where there is an indication of a violation or potential violation of civil or criminal law or regulation.

g. To request information from a Federal, State, or local agency maintaining civil, criminal, or other information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or issuance of a grant, license, or other benefit.

h. To disclose information to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.

i. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

j. To disclose information to another Federal agency or to a court when the Government is party to a suit before the court.

k. To disclose information to persons named as alleged discriminating officials in Equal Employment Opportunity (EEO) Discrimination Complaint cases, to allow such persons the opportunity to respond to allegations of discrimination which are made against them during the course of the discrimination complaint process.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

Storage:

These records are maintained in file folders, binders and index cards.

Retrievability:

These records are indexed by the names of the individuals on whom they are maintained.

Safeguards:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal:

These records are maintained at the office in which the complaint originated for one year after resolution of the case and then transferred to the Federal Records Center where they are destroyed after three additional years.

System manager(s) and address:

a. Within the agency or department where the complaint of discrimination or reprisal was filed, the system manager is the Director of the Office of Equal Employment Opportunity or other official designated as responsible for the administration and enforcement of equal employment opportunity laws and regulations within the agency or department.

b. Where an individual has appealed a final agency decision or order on an equal employment opportunity matter to the EEOC, petitioned the EEOC to review a decision of the Merit Systems Protection Board, or requested the EEOC to review a final decision in a negotiated grievance action, the system manager of the appeal or petition file is the Director of the Office of Review and Appeals, Equal Employment Opportunity Commission, 2401 E Street, NW, Washington, D.C. 20506.

Notification procedure:

Contact the appropriate system manager above. Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the record. They may, however, contact the appropriate system manager indicated above regarding the existence of such records pertaining to them. It is necessary to furnish the following information when making inquiries about records:

a. Full name.

b. Date of birth.

c. Kind of action taken by the agency.

Record access procedures:

Individuals who have appealed or filed a grievance about a decision or determination made by an agency or about conditions existing in an agency already have been provided a copy of the record. The contest, amendment, or correction of an appeal or grievance record is permitted during the prosecution of an appeal, grievance, or complaint by the individual to whom the record pertains. However, after an appeal, grievance, or complaint case has been closed, an individual may gain access to, or contest the official copy of, an appeal, grievance, or complaint record by writing the appropriate system manager indicated above. Individuals should provide their name, date of birth, agency in which employed approximate date, and the kind of action taken by the agency when requesting access to, or contest of, records.

Contesting record procedures:

Same as record access procedures above.

Record source categories:

The sources of these records are:

a. Individual to whom the record pertains.

b. Agency and/or Commission officials.

c. Affidavits or statements from employee.

d. Testimony of witnesses.

e. Official documents relating to the appeals, grievance, or complaint.

f. Correspondence from specific organizations or persons.

Appendix A

Albuquerque Area Office (Phoenix district). Western Bank Building, Suite 1515, 505 Marquette, NW, Albuquerque, New Mexico 87101
 Atlanta District Office, Citizens Trust Building, 10th Floor, 75 Piedmont Avenue, NW, Atlanta, Georgia 30303.
 Baltimore District Office, Rotunda Building, Suite 210, 711 West 40th Street, Baltimore, Maryland 21211.
 Birmingham District Office, 2121 Eighth Avenue, North, Birmingham, Alabama 35203.
 Boston Area Office (New York District), 150 Causeway Street, Suite 1000, Boston, Massachusetts 02114.
 Buffalo Area Office (New York District), 210 Franklin St., Buffalo, New York 14202.
 Charlotte District Office, 403 N. Tryon Street, 2nd Floor, Charlotte, North Carolina 28202.
 Chicago District Office, Federal Building, Room 234, 536 South Clark Street, Chicago, Illinois 60605.
 Cincinnati Area Office (Cleveland District), Federal Building, Room 7019, 550 Main Street, Cincinnati, Ohio 45202.
 Cleveland District Office, Engineers' Building, Room 502, 1365 Ontario Street, Cleveland, Ohio 4414.
 Dallas District Office, Corrigan Tower, 6th Floor, 212 North St. Paul, Dallas, Texas 75201.
 Dayton Area Office (Cleveland District), Federal Building, 200 West 2nd Street, Dayton, Ohio 45402.
 Denver District Office, 1531 Stout Street, 6th Floor, Denver, Colorado 80202.
 Detroit District Office, First National Building, Suite 600, Detroit, Michigan 48226.
 El Paso Area Office (Dallas District), Property Trust Building, 221 East Missouri, Room E235, El Paso, Texas 79903.
 Fresno Area Office (San Francisco District), 1303 P Street, Suite 108, Fresno, California 93721.
 Greensboro Area Office (Charlotte District), 324 West Market Street, Room 132, Greensboro, North Carolina 27402.
 Greenville Area Office (Atlanta District), Bankers Trust Building, 5th Floor, 7 North Laurens Street, Greenville, South Carolina 29602.
 Houston District Office, Federal Building, Room 1101, 2320 LaBranch, Houston, Texas 77004.
 Indianapolis District Office, Federal Building, U.S. Courthouse, 46 East Ohio Street, Room 456, Indianapolis, Indiana 46204.

Jackson Area Office (Birmingham District) Petroleum Building, Suite 500, 200 East Pascagoula Street, Jackson, Mississippi 39201.

Kansas City Area Office (St. Louis District), 1150 Grand, 1st Floor, Kansas City, Missouri 64106.

Little Rock Area Office (New Orleans District), Federal Building, 700 West Capitol, Little Rock, Arkansas 72201.

Los Angeles District Office, 3255 Wilshire Boulevard, 9th Floor, Los Angeles, California 90010.

Louisville Area Office (Memphis District), U.S. Post Office & Courthouse, 601 West Broadway, Room 105, Louisville, Kentucky 40202.

Memphis District Office, 1407 Union Avenue, Suite 502, Memphis, Tennessee 38104.

Miami District Office, DuPont Plaza Center, Suite 414, 300 Biscayne Boulevard Way, Miami, Florida 33131.

Milwaukee District Office, 342 North Water Street, Room 612, Milwaukee, Wisconsin 53202.

Minneapolis Area Office (Milwaukee District), Plymouth Building, 12 South Sixth Street, Minneapolis, Minnesota 55402.

Nashville Area Office (Memphis District), Parkway Towers, Suite 1822, 404 James Robertson Parkway, Nashville, Tennessee 37219.

Newark Area Office (New York District), 744 Broad Street, Room 502, Newark, New Jersey 07102.

New Orleans District Office, F. Edward Hébert Federal Building, 600 South Street, New Orleans, Louisiana 70130.

New York District Office, 90 Church Street, Room 1301, New York, New York 10007.

Norfolk Area Office (Baltimore District), 215 East Plume Street, Norfolk, Virginia 23510.

Oakland Area Office (San Francisco District), George P. Miller Federal Building, 1515 Clay Street, Oakland, California 94612.

Oklahoma City Area Office (Dallas District), 50 Penn Place, Suite 1430, Oklahoma City, Oklahoma 73118.

Philadelphia District Office, 127 North 4th, Suite 300, Philadelphia, Pennsylvania 19106.

Phoenix District Office, 201 North Central Avenue, Suite 1450, Phoenix, Arizona 85073.

Pittsburgh Area Office (Philadelphia District), Federal Building, Room 2038A, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222.

Raleigh Area Office (Charlotte District), 414 Fayetteville Street, Raleigh, North Carolina 27608.

Richmond Area Office (Baltimore District), 400 North 8th Street, Room 6213, Richmond, Virginia 23219.

San Antonio Area Office (Houston District), 727 East Durango, Suite B-601, San Antonio, Texas 78206.

San Diego Area Office (Los Angeles District), San Diego Federal Building, 880 Front Street, San Diego, California 92101.

San Francisco District Office, 10 United Nations Plaza, Fourth Floor, San Francisco, California 94102.

San Jose Area Office (San Francisco District), Crocker Plaza Building, 84 West Santa Clara, San Jose, California 95113.

Seattle District Office, Dexter Horton Building, 710 Second Avenue, Seattle, Washington 98104.

St. Louis District Office, 1601 Olive Street, St. Louis, Missouri 63103.

Tampa Area Office (Miami District), 700 Twiggs Street, Tampa, Florida 33602.

Washington Area Office (Baltimore District), 1717 H Street, NW, Suite 402, Washington, D.C. 20006.

Headquarters Offices, Equal Employment Opportunity Commission, 2401 E Street NW, Washington, D.C. 20506

Office of the Chair

Office of the Vice Chairman

Office of the Commissioners

Office of the Executive Director

Office of the Equal Employment Opportunity

Office of Internal Audit

Office of Congressional Affairs

Office of Public Affairs

Office of General Counsel

Office of Policy Implementation

Office of Systemic Programs

Office of Program Planning and Evaluation

Office of Government Employment

Office of Field Services

Office of Special Projects and Programs

Office of Administration

Office of Appeals and Review

Office of Interagency Coordination

Appendix B.—Additional Routine Uses for Systems EEOC—2 and 4-13

The following "routine uses" were adopted by the Equal Employment Opportunity Commission for systems EEOC—2, and 4-13 at 42 FR 69 (January 3, 1977):

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a "routine use," to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

4. A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

5. A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

Title 29-Labor

Chapter XIV-Equal Employment Opportunity Commission

PART 1611—PRIVACY ACT REGULATIONS

Sec.

- 1611.1 Purpose and scope.
- 1611.2 Definitions.
- 1611.3 Procedures for requests pertaining to individual records in a record system.
- 1611.4 Times, places, and requirements for identification of individuals making requests.
- 1611.5 Disclosure of requested information to individuals.
- 1611.6 Special procedures; Medical records.
- 1611.7 Request for correction or amendment to record.
- 1611.8 Agency review of request for correction or amendment to record.
- 1611.9 Appeal of initial adverse agency determination on correction or amendment.
- 1611.10 Disclosure of record to person other than the individual to whom it pertains.
- 1611.11 Fees.
- 1611.12 Penalties.
- 1611.13 General Exemptions [Reserved].
- 1611.14 Specific Exemptions.

Authority: 5 U.S.C. 552a.

Source: 42 FR 7949, Feb. 8, 1977, unless otherwise noted.

§ 1611.1 Purpose and scope.

This Part contains the regulations of the Equal Employment Opportunity Commission (Commission) implementing the Privacy Act of 1974, 5 U.S.C. 552a. It sets forth the basic responsibilities of the Commission with regard to the Commission's compliance with the requirements of the Privacy Act (the Act) and offers guidance to members of the public who wish to exercise any of the rights established by the Act with regard to records maintained by the Commission. Those Commission records which are contained in the government wide systems of personnel records, of which notices have been published by the Civil Service Commission, are subject to the Civil Service Commission's Privacy Act Regulations, 5 CFR Part 297. Where Civil Service Commission Privacy Act notices permit access to these records through the employing agency, the individual should submit requests for access or for an accounting of disclosures to the Commission offices as described in § 1611.3(b) below.

§ 1611.2 Definitions.

For purposes of this Part, the terms "individual," "maintain," "record," and "system of records" shall have the meanings set forth in 5 U.S.C. 552a.

§ 1611.3 Procedures for requests pertaining to individual records in a record system.

(a) Any person who wishes to be notified if a system of records maintained by the Commission contains any record pertaining to him or her, or to request access to such records or to an accounting of disclosures made of such records, shall submit a written request, either in person or by mail, in accordance with the instructions set forth in the system notice:

(1) The name of the individual making the request;

(2) The name of the system of records (as set forth in the system notice to which the request relates);

(3) Any other information specified in the system notice; and

(4) When the request is one for access, a statement as to whether the requester desires to make a personal inspection of the records, or be supplied with copies by mail.

(b) Requests pertaining to personnel records contained in system CSC/GOVT-1 (Appeals, Grievances and Complaints Records) of which notice has been published by the Civil Service Commission in the **Federal Register** should be directed to the Director, Personnel Management Services, Equal Employment Opportunity Commission, 1801 L Street, NW, Washington, D.C. 20507. Requests pertaining to personnel records contained in system CSC/GOVT-2 (Confidential Employment and Financial Interest Statements) should be directed to the Office of Legal Counsel, U.S. Civil Service Commission, Washington, D.C. 20415, or the Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street, NW, Washington, D.C. 20507. Requests pertaining to personnel records contained in systems CSC/GOVT-3 (General Personnel Records) and CSC/GOVT-5 (Recruiting, Examining and Placement Records) should be directed to Commission offices as follows:

(1) For all present Commission employees, requests shall be directed to the Director, Personnel Management Services, Equal Employment Opportunity Commission, 1801 L Street, NW, Washington, D.C. 20507.

(2) For all former Commission employees, requests for access to government-wide system CSC/GOVT-3 (General Personnel Records) shall be directed to the National Personnel Records Center, General Services Administration, St. Louis, Missouri 63118.

(c) Any person whose request for access under paragraph (a) of this section is denied, may appeal that denial in accordance with § 1611.5(c).

[42 FR 7949, Feb. 8, 1977, as amended at 47 FR 46275, Oct. 18, 1982; 49 FR 13025, Apr. 2, 1984; 54 FR 32062, Aug. 4, 1989]

§ 1611.4 Times, places, and requirements for identification of individuals making requests.

(a) If a person submitting a request for access under § 1611.3 has asked that the Commission authorize a personal inspection of records pertaining to that person, and the appropriate Commission official has granted that request the requester shall present himself or herself at the time and place specified in the Commission's response or arrange another, mutually convenient time with the appropriate Commission official.

(b) Prior to inspection of the records, the requester shall present sufficient personal identification (e.g., driver's license, employee identification card, social security card, credit cards). If the requester is unable to provide such identification, the requester shall complete and sign in the presence of a Commission official a signed statement asserting his or her identity and stipulating that he or she understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is a misdemeanor punishable by fine up to \$5,000.

(c) Any person who has requested access under § 1611.3 to records through personal inspection, and who wishes to be accompanied by another person or persons during this inspection, shall submit a written statement authorizing disclosure of the record in such person's or person's presence.

(d) If an individual submitting a request by mail under § 1611.3 wishes to have copies furnished by mail, he or she must include with the request a signed and notarized statement asserting his or her identity and stipulating that he or she understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is a misdemeanor punishable by fine up to \$5,000.

(e) A request filed by the parent of any minor or the legal guardian of any incompetent person shall: State the relationship of the requester to the individual to whom the record pertains; present sufficient identification; and, if not evident from information already available to the Commission, present appropriate proof of the relationship or guardianship.

(f) A person making a request pursuant to a power of attorney must possess a specific power of attorney to make that request.

(g) No verification of identity will be required where the records sought are publicly available under the Freedom of Information Act.

§ 1611.5 Disclosure of requested information to individuals.

(a) Upon receipt of request for notification as to whether the Commission maintains a record about an individual and/or request for access to such record:

(1) The appropriate Commission official shall acknowledge such request in writing within 10 working days of receipt of the request. Wherever practicable, the acknowledgement should contain the notification and/or determination required in paragraph (a) (2) of this section.

(2) The appropriate Commission official shall provide, within 30 working days of receipt of the request, written notification to the requester as to the existence of the records and/or a determination as to whether or not access will be granted. In some cases, such as where records have to be recalled from the Federal Records Center, notification and/or a determination of access may be delayed. In the event of such a delay, the Commission official shall inform the requester of this fact, the reasons for the delay, and an estimate of the date on which notification and/or a determination will be forthcoming.

(3) If access to a record is granted, the determination shall indicate when and where the record will be available for personal inspection. If a copy of the record has been requested, the Commission official shall mail that copy or retain it at the Commission to present to the individual, upon receipt of a check or money order in an amount computed pursuant to § 1611.11.

(4) When access to a record is to be granted, the appropriate Commission official will normally provide access within 30 working days of receipt of the request unless, for good cause shown, he or she is unable to do so, in which case the requester shall be informed within 30 working days of receipt of the request as to those reasons and when it is anticipated that access will be granted.

(5) The Commission shall not deny any request under § 1611.3 concerning the existence of records about the requester in any system of records it maintains, or any request for access to such records, unless that system is exempted from the requirements of 5 U.S.C. 552a in §§ 1611.13 or 1611.14.

(6) If the Commission receives a request pursuant to § 1611.3 for access to records in a system of records it maintains which is so exempt, the

appropriate Commission official shall deny the request.

(b) Upon request, the appropriate Commission official shall make available an accounting of disclosures pursuant to 5 U.S.C. 552a(c)(3).

(c) If access to a record is denied pursuant to paragraphs (a)(2) or (b) of this section, the determination shall specify the reasons therefor, and shall advise the individual that he or she may appeal that denial in writing to the Chairman, Equal Employment Opportunity Commission, 1801 L Street, NW, Washington, D.C. 20507, if the request was for access to a system designated as an EEOC system of records. An appeal from a denial of access to a government-wide system of records, CSC/GOVT 1-5, shall be made to the Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, Washington, D.C. 20415 (see 5 CFR 297.115). When taking an appeal, the requester should clearly label the envelope "Personal Information Access Appeal."

(d) In the event that upon an appeal under paragraph (c) of this section, access to a record is denied by the Chairman, the Chairman shall advise the individual of his or her right to bring a civil action in federal district court to seek review of the denial in accordance with 5 U.S.C. 552a(g).

(e) Nothing in 5 U.S.C. 552a or this Part allows an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

[42 FR 7948, Feb. 8, 1977, as amended at 54 FR 32063, Aug. 4, 1989]

§ 1611.6 Special procedures: Medical records.

In the event the Commission receives a request pursuant to § 1611.3 for access to medical records (including psychological records) whose disclosure of which the appropriate Commission official determines could be harmful to the individual to whom they relate, he or she may refuse to disclose the records directly to the requester but shall transmit them to a physician designated by that individual.

§ 1611.7 Request for correction or amendment to record.

(a) Any person who wishes to request correction or amendment of any record pertaining to him or her which is contained in a system of records maintained by the Commission, shall submit that request in writing in accordance with the instructions set forth in the system notice for that system of records. If the request is submitted by mail, the envelope should

be clearly labeled "Personal Information Amendment." The request shall include:

(1) The name of the individual making the request;

(2) The name of the system of records as set forth in the system notice to which the request relates;

(3) A description of the nature (e.g., modification, addition or deletion) and substance of the correction or amendment requested; and

(4) Any other information specified in the system notice.

(b) Any person submitting a request pursuant to paragraph (a) of this section shall include sufficient information in support of that request to allow the Commission to apply the standards set forth in 5 U.S.C. 552a (e).

(c) All requests to amend pertaining to personnel records described in § 1611.3(b) shall conform to the requirements of paragraphs (a) and (b) of this section and may be directed to the appropriate officials as indicated in § 1611.3(b). Such requests may also be directed to the system manager specified in the Civil Service Commission's systems notices.

(d) Any person whose request under paragraph (a) of this section is denied may appeal that denial in accordance with § 1611.9(a).

§ 1611.8 Agency review of request for correction or amendment to record.

(a) When the Commission receives a request for amendment or correction under § 1611.7(a), the appropriate Commission official shall acknowledge that request in writing within 10 working days of receipt. He or she shall promptly either:

(1) Determine to grant all or any portion of a request for correction or amendment; and

(i) Advise the individual of that determination;

(ii) Make the requested correction or amendment; and

(iii) Inform any person or agency outside the Commission to whom the record has been disclosed, and where an accounting of that disclosure is maintained in accordance with 5 U.S.C. 552a(c), of the occurrence and substance of the correction or amendments, or;

(2) Inform the requester of the refusal to amend the record in accordance with the request; the reason for the refusal; and the procedures whereby the requester can appeal the refusal to the Chairman of the Commission.

(b) If the Commission official informs the requester of the determination within the 10-day deadline, a separate acknowledgement is not required.

(c) In conducting the review of a request for correction or amendment, the Commission official shall be guided by the requirements of 5 U.S.C. 552a(e).

(d) In the event that the Commission receives from the agency which maintains the record a notice of correction or amendment to information in a record contained in a system of records which it maintains, it shall comply with paragraph (a)(1) of this section in the same manner as if the Commission itself had made the original correction or amendment.

(e) Requests for amendment or correction of records maintained in the government-wide systems for which notices have been published by the Civil Service Commission shall be governed by § 297.112 of the CSC Privacy Act regulations, 5 CFR Part 297.

§ 1611.9 Appeal of initial adverse agency determination on correction or amendment.

(a) If the appropriate Commission official determines not to grant all or any portion of a request for correction or amendment, the requester may appeal this determination in writing to the Chairman, Equal Employment Opportunity Commission, 1801 L Street, NW, Washington, D.C. 20507. When taking such an appeal, the requester should clearly label the envelope "Personal Information Amendment Appeal." With respect to the personnel records maintained in the government-wide systems of records for which notices were published by the Civil Service Commission, the appeal of a Commission decision pertinent thereto shall be made to the Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, Washington, D.C. 20415. The Civil Service Commission Privacy Act regulations, 5 CFR 297.113, shall govern said appeals.

(b) The Chairman shall make a final determination with regard to an appeal submitted under paragraph (a) of this section not later than 30 working days from the date on which the individual requests a review, unless for good cause shown, the Chairman extends this 30-day period and so notifies the requester together with an estimate of the date on which a final determination will be made. The authority to extend this period may not be delegated. Such extension should be utilized only in exceptional circumstances and should not normally exceed 30 days.

(c) In conducting the review of an appeal submitted under paragraph (a) of this section, the Chairman shall be guided by the requirements of 5 U.S.C. 552a(e).

(d) If the Chairman determines to grant all or any portion of a request on

an appeal submitted under paragraph (a) of this section, he or she shall so inform the requester, and the appropriate Commission official shall comply with the procedures set forth in § 1611.8(a)(1)(ii) and (iii).

(e) If the Chairman determines in accordance with paragraphs (b) and (c) of this section not to grant all or any portion of a request on an appeal submitted under paragraph (a) of this section, he or she shall inform the requester:

(1) Of this determination and the reasons therefor;

(2) Of the requester's right to file a concise statement of reasons for disagreement with the determination of the Chairman;

(3) That such statements of disagreement will be made available to anyone to whom the record is subsequently disclosed, together with (if the Commission deems it appropriate) a brief statement summarizing the Commission's reasons for refusing to amend the record;

(4) That prior recipients of the disputed record will be provided with a copy of the statement of disagreement together with (if the Commission deems it appropriate) a brief statement of the Commission's reasons for refusing to amend the record, to the extent that an accounting of disclosures is maintained under 5 U.S.C. 552a(c); and

(5) Of the requester's right to file a civil action in federal district court to seek a review of the Chairman's determination, in accordance with 5 U.S.C. 552a(g).

(f) The Chairman shall ensure that any statements of disagreement submitted by a requester are handled in accordance with paragraphs (e)(3) and (4) of this section.

[42 FR 7949, Feb. 8, 1977, as amended at 54 FR 32063, Aug. 4, 1989]

§ 1611.10 Disclosure of record to person other than the individual to whom it pertains.

The Commission shall not disclose any record which is contained in a system of records it maintains, by any means of communication to any person or to another agency, except pursuant to a written request by, or with the prior written consent of the individual to whom the record pertains, unless the disclosure is authorized by one or more provisions of 5 U.S.C. 552a(b).

§ 1611.11 Fees.

(a) No fee shall be charged for searches necessary to locate records. No charge shall be made if the total fees authorized are less than \$1.00. Fees shall

be charged for services rendered under this Part as follows:

(1) Copies made by photocopy device or otherwise (per page), \$.05.

(2) Attestation of each record as a true copy, \$.75.

(3) Certification of each record as a true copy under the seal of the Commission, \$1.00.

(b) All required fees shall be paid in full prior to issuance of requested copies of records. Fees are payable to "Treasurer of the United States."

§ 1611.12 Penalties.

The criminal penalties which have been established for violations of the Privacy Act of 1974 are set forth in 5 U.S.C. 552a(i). Penalties are applicable to any officer or employee of the Commission; to contractors and employees of such contractors who enter into contracts with the Commission on or after September 27, 1975, and who are considered to be employees of the Commission within the meaning of 5 U.S.C. 552a(m); and to any person who knowingly and willfully requests or obtains any record concerning an individual from the Commission under false pretenses.

§ 1611.13 General Exemptions (Reserved)

§ 1611.14 Specific Exemptions.

Pursuant to subsection (k)(2) of the Act, 5 U.S.C. 552a(k)(2) System EEOC—3, Charge of Discrimination Case Files is exempt from subsection (c)(3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f) of the Act. System EEOC—1, Age and Equal Pay Act Discrimination Case Files is exempt from subsections (c)(3), (d), (e)(1), (e)(4)(H), and (f) of the Act. The Commission has determined to exempt these systems from the above named provisions of the Privacy Act for the following reasons:

(a) The files in these systems contain information obtained by the Commission in the course of investigations of charges and complaints that violations of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., the Age Discrimination in Employment Act of 1967, as amended 29 U.S.C. 621, et seq., and the Equal Pay Act of 1963, as amended, 29 U.S.C. 206(d), have occurred. As a part of its investigations, the Commission often obtains information regarding unlawful employment practices other than those complained of by the subject individual of the file. Therefore, it would impede the law enforcement activities of the Commission for it to be restricted to maintain in an individual's case file only information which is relevant and

necessary to the subject individual's allegations.

(b)The subject individuals of the case files in these systems know that the Commission is maintaining a file on their charges or complaints, and the general nature of the information contained therein.

(c)The subject individuals of the case files in Systems EEOC—1 and EEOC—3, have been provided a means of access to their records by the Commission's Freedom of Information Act Regulations, 29 CFR Part 1610. Subject individuals of the case files in System EEOC—3 have also been provided a means of access to

their records by section 83 of the Commission's Compliance Manual.

(d)The Commission has determined that the nonexemption of these systems from the above named subsections of the Privacy Act would impede the agency's law enforcement efforts.

[47 FR 18595, Apr. 30, 1982]

EXECUTIVE OFFICE OF THE PRESIDENT, ADMINISTRATION OFFICE

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Preface

The Office of Administration (OA), Executive Office of the President (EOP), provides joint services to the entities making up the EOP. This Notice contains systems of records maintained by OA for all of these entities as well as systems of records maintained solely for the Office of Administration's use. Payroll (AA/EOP/01), Travel (OA/EOP/02), and Library Circulation (OA/EOP/03) records are maintained by OA on behalf of the entire EOP. Security Records (OA/EOP/05) are maintained by OA for all EOP entities except the White House Office, the Office of the Vice President, the National Security Council, and the Office of Policy Development. Records of the White House Office and the Council of Economic Advisers are not, however, subject to the Privacy Act. Records for these two entities (when maintained by OA) are maintained in the same manner as those of other EOP constituent groups, but are segregated by category and location.

Confidential Statement of Employment and Financial Interest (OA/EOP/05) and Ethics in Government Financial Disclosure Records (OA/EOP/06) are maintained by OA solely on behalf of the Office of Administration.

In addition to the records set forth below, OA maintains personnel records under the authority described in, and in the manner described by, the Office of Personnel Management in its System of Records OPM/GOVT-1. Inquiry concerning these records, which cover all current employees of the EOP, should be directed to the Personnel Division, Office of Administration, Room 4013, New Executive Office Building, 726 Jackson Place NW, Washington, D.C. 20503.

OA/EOP/01

System name:

Payroll Records.

System location:

Office of Administration, New Executive Office Building, 726 Jackson Place NW, Washington, D.C. 20503, and at the Department of the Treasury, 12th and Constitution Avenue NW, Washington, D.C. 21220.

Categories of individuals covered by the system:

All EOP employees payrolled using the Department of the Treasury, Uniform Management System (TUMS), effective March 1, 1983.

Categories of records in the system:

Individual name, social security number, age, sex, minority group designation, type of appointment, tenure, employment status, grade, step, salary, time worked and on leave, tax withholdings, other deductions, allotments to financial institutions, and other payroll-related items.

Authority for maintenance of the system:

5 U.S.C. 301, 31 U.S.C. 66a, 44 U.S.C. 3109, 3309.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To generate the payroll for EOP agencies and provide necessary payroll information for agency financial management and accounting.
2. To furnish required payroll information to Federal, State, and local government taxing authorities.
3. To provide input to management information systems, budget and accounting systems, and for required statistical and financial reports to the Office of Personnel Management, the General Accounting Office, Department of the Treasury, and Congress.
4. To provide reports and/or to respond to requests for statistical information necessary for the fulfillment of programs authorized by statute or executive order (the system manager shall delete personal identifying information prior to releasing the records to ensure the individual's anonymity).
5. Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966, as amended by the Debt Collection Act of 1982, 96 Stat. 1749 (31 U.S.C. 952).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The Master File is maintained on disk and magnetic tape at the Department of the Treasury, Washington, D.C. Paper records and other magnetic tape records are stored in files in the Office of Administration payroll office and information services offices. Other records are stored in the Federal Records Center.

Retrievability:

Records are retrieved by name and social security number by EOP employing agencies.

Safeguards:

Records are maintained in locked file cabinets or limited access areas under personal surveillance during working hours and in locked rooms at other times and electronically monitored by Secret Service, Uniform Division, 24 hours a day. Master records on disk and computer tape are under the program control of officials at the Department of the Treasury computer facility.

Retention and disposal:

Records are maintained in the Office of Administration payroll office and the computer facility as long as the individual is employed at the EOP. When the employee separates from the EOP, the records are transferred to the National Personnel Records Center in St. Louis, Missouri, where they are retained for 56 years and then destroyed in accordance with FPMR 101-11.4. Payroll records subject to General Accounting Office audit are retained until completion of the audit. Other records are destroyed when three (3) years old. FPMR 101-11.4.

System manager(s) and address:

Director for Financial Management, Office of Administration, New Executive Office Building, 726 Jackson Place NW, Room 4005, Washington, D.C. 20503.

Notification procedure:

Contact Director, Financial Management Division, Office of Administration, 726 Jackson Place NW, Room 4005, Washington, D.C. 20503.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individuals on whom records are maintained. Additional information is added from payroll transactions.

Systems exempted from certain provisions of the act:

None.

OA/EOP/02

System name:

Travel Records.

System location:

Office of Administration, New Executive Office Building, 726 Jackson Place NW, Washington, D.C. 20503.

Categories of individuals covered by the system:

Employees of EOP and other authorized individuals who travel at government expense on official business for EOP agencies.

Categories of records in the system:

Approved travel authorizations, requests for travel advances, vouchers submitted by individuals, memoranda of approval for special conveyances or actual expenses in lieu of per diem, and receipts required by Federal Travel Regulations (FPMR 101-7).

Authority for maintenance of the system:

31 U.S.C. 66a, 44 U.S.C. 3101, 3102, 3309, and the General Accounting Office and General Services Administration policy and procedures.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To document authorization and reimbursement for official travel of individuals.
2. To furnish financial and statistical information to officers and employees of EOP agencies for performance of their official duties.
3. Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966, as amended by the Debt Collection Act of 1982, 96 Stat. 1749, (31 U.S.C. 952).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records for the current and preceding two fiscal years are filed in cabinets in the accounting office. Other records are stored in the Federal Records Center.

Retrievability:

Records are retrieved by individual name within each EOP agency and by fiscal year.

Safeguards:

Records are maintained in file cabinets under staff surveillance during working hours and in a locked room at other times.

Retention and disposal:

Records are maintained in conformity with the audit schedule of the General Accounting Office and the requirements of the General Services Administration. Non-current records are destroyed after three (3) years.

System manager(s) and address:

Director for Financial Management, Office of Administration, New Executive Office Building, 726 Jackson Place NW, Room 4005, Washington, D.C. 20503.

Notification procedure:

Contact Director, Financial Management Division, Office of Administration, 726 Jackson Place, NW, Room 4005, Washington D.C. 20503.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Contents of the record is obtained from the individual to whom the information pertains. Additional information may be added by the travel office as a result of processing and auditing the claim for reimbursement.

Systems exempted from certain provisions of the act:

None.

OA/EOP/03

System name:

Library Circulation Records.

System location:

Office of Administration, New Executive Office Building, 726 Jackson Place NW, Washington, D.C. 20503.

Categories of individuals covered by the system:

Employees of EOP and other authorized individuals and libraries who have borrowed materials from the Library.

Categories of records in the system:

Titles and other identifying data on materials borrowed from the Library; room number, agency and suborganization; telephone number of the borrower, the scheduled return date for each item borrowed, and termination date for detailees interns.

Authority for maintenance of the system:

Federal Property and Administrative Services Act, Title II, Sec. 202(b)(1), 40 U.S.C. 483(b)(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To locate Library materials in circulation, and to control and inventory Library materials loaned. Disclosure is limited to Library staff and officers and other employees of EOP agencies in connection with the performance of official duties.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are maintained on magnetic tape/disk and periodically in hard copy for instant reference at the Library circulation desk.

Retrievability:

Records are arranged alphabetically by the last name of the borrower, by title of item borrowed, by library site, and by call number.

Safeguards:

Hard copy records are under personal surveillance by Library staff during working hours and in a locked area at other times. The master records on magnetic/disk are under the program control of Office of Administration data processing officials.

Retention and disposal:

Records are maintained on individual Library loans only until the material is returned, and then destroyed.

System manager(s) and address:

Director, Library and Information Services, Division, EOP Library, Office of Administration, New Executive Office Building, 726 Jackson Place NW, Washington, D.C. 20503.

Notification procedure:

Contact Director, Library and Information Services Division, EOP Library, Office of Administration, 726 Jackson Place, NW, Washington, D.C. 20503.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Information is obtained from the individual who borrows materials and from physical examination of materials borrowed.

Systems exempted from certain provisions of the act:

None.

OA/EOP/04

System name:

Security Records.

System location:

Office of Administration, Old Executive Office Building, 17th & Pennsylvania Avenue NW, Washington, D.C. 20500.

Categories of individuals covered by the system:

Applicants for employment and employees (including contract employees and those on detail from other Federal agencies) of EOP entities other than the White House Office, the Office of the Vice President, the National Security Council and the Office of Policy Development.

Categories of records in the system:

Contains forms completed by the individual, investigative reports and other documents relating to suitability and security clearances, and building pass issuances.

Authority for maintenance of the system:

Executive Order 10450 and 12356, Information Security Oversight Office Implementing Directive, and Chapters 732 and 736 of the Federal Personnel Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To verify an individual's level of clearance and the date it was granted; to identify individuals whose security investigations require updating; and to control the issuance and renewal of building passes. Disclosure is limited to the Security Officer, the Security Alternate, legal counsel, and security investigative personnel of other Federal agencies who require access to the information for the performance of their official duties.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The records are maintained in hard copy in approved combination safes within a room that is electronically alarmed for night protection.

Retrievability:

Records are retrieved by name, agency, employee status and type, level of clearance, pass type, type and date of investigation.

Safeguards:

Hard copy records are kept under the personal surveillance of Office of Administration staff during working hours and in a locked area at other times. Access to the facility is controlled by a security system.

Retention and disposal:

Hard copy records are destroyed when no longer needed for administrative purposes. Records are purged from the master file two years after the separation of the employee.

System manager(s) and address:

Security Officer, Office of Administration, Old Executive Office Building, Room 405, 17th & Pennsylvania Avenue NW, Washington, D.C. 20500.

Notification procedure:

Contact Security Officer, Office of Administration, Old Executive Office Building, Room 405, 17th & Pennsylvania Avenue NW, Washington, D.C. 20500.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Information is provided by the subject individual, the Security Officer, and Federal investigative agencies.

Systems exempted from certain provisions of the act:

None, however, investigative reports are the property of the Federal agency providing such materials and are available only from those agencies.

OA/EOP/05

System name:

Confidential Statement of Employment and Financial Interests.

System location:

Agency Ethics Office, Office of Administration, Old Executive Office Building, Room 490, 17th & Pennsylvania Avenue NW, Washington, D.C. 20500.

Categories of individuals covered by the system:

This system contains the financial disclosure reports of Office of Administration employees required to file by the Director, OA, or the General Counsel, OA.

Categories of records in the system:

These records contain statements of personal and family holdings and other interests in business enterprises and real property, listings of creditors and outside employment, and other information related to conflict-of-interest determinations including past employment.

Authority for maintenance of the system:

Executive Order 11222 (May 8, 1965), 3 CFR 100.735-24 & 25.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records and information in these records may be used as follows, but only where the Director of the Office of Government Ethics, the Director, OA, or the General Counsel, OA, determines that good cause has been shown for such use and disclosure.

a. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order.

b. To provide information to a Congressional office from the record of an individual in response to an inquiry from that Congressional office made at the request of that individual.

c. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of a job, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

d. By the Office of Administration in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

e. To disclose information to any source when necessary to obtain information relevant to a conflict-of-interest investigation or determination.

f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 & 2906.

g. To disclose information to the OMB during any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.

h. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

i. To disclose information to officials in the Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The records are maintained in file folders.

Retrievability:

These records are retrieved by the names of the individuals on whom they are maintained.

Safeguards:

These records are located in combination steel file cabinets to which only the Agency Ethics Officer, General Counsel and staff authorized by the Agency Ethics Officer or General Counsel have access.

Retention and disposal:

Records on current employees are updated yearly and are retained so long as the individual occupies a covered position. Records on former employees are disposed of six (6) years after the date they leave a covered position in accordance with law regulating disposal of federal records.

System manager(s) and address:

Agency Ethics Officer, Office of Administration, Old Executive Office Building, Room 490, 17th & Pennsylvania Avenue NW, Washington, D.C. 20500.

Notification procedure:

Individuals wishing to inquire whether this system contains information about them should contact the Agency Ethics Officer or designee, as appropriate. Individuals must furnish the following information for their records to be located and identified.

a. Full name.

b. Full title of position(s) held with the agency.

Record access procedures:

Individuals wishing to inquire whether this system contains information about them should contact the Agency Ethics Officer or General Counsel. Individuals must furnish the following information for their records to be located and identified.

a. Full name.

b. Full title of position(s) held with the agency.

An individual requesting access must also comply with the Office's Privacy Act procedures regarding access to records and proof of identity.

Contesting record procedures:

Individuals wishing to inquire whether this system contains information about them should contact the Agency Ethics Officer or General Counsel. Individuals must furnish the following information for their records to be located and identified.

a. Full name.

b. Full title of position(s) held with the agency.

Individuals requesting access must also comply with the Office's procedures regarding access and amendment of records and verification of identity.

Record source categories:

Information in this system of records is provided by:

a. The subject individual or by a designated person such as a trustee, attorney, accountant, or relative.

b. Agency Ethics Officer or designated Federal official who reviewed the statements to make conflict-of-interest determinations.

Systems exempted from certain provisions of the act:

None.

OA/EOP/06

System name:

Ethics in Government Act Financial Disclosure Reports.

System location:

Agency Ethics Office, Office of Administration, Old Executive Office Building, Room 490, 17th & Pennsylvania Avenue NW, Washington, D.C. 20500.

Categories of individuals covered by the system:

a. Office of Administration Agency Ethics Officer.

b. Each office or employee in the Office of Administration, Executive Office of the President, including a Special Government Employee as defined in Section 202 of Title 18, United States Code, whose position is classified at GS-16, or above of the General Schedule prescribed by Section 5332 of Title 5, United States Code, or the rate of basic pay for which is fixed (other than under the General Schedule) at a rate equal to or greater than the minimum rate of basic pay fixed for GS-16, and each officer or employee in any other

position to be determined by the Director of the Office of Government Ethics to be of equal classification.

Categories of records in the system:

These records contain statements of personal and family holdings and other interests in business enterprises and real property, listings of creditors and outside employment, and other information related to conflict-of-interest determinations including past employment.

Authority for maintenance of the system:

Ethics in Government Act of 1978, Pub. L. 95-521 as amended by Pub. L. 96-19 & 96-28.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records, and information contained in these records, may be used for the same purposes and in the same manner as OA/EOP/05.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The records are maintained in file folders.

Retrievability:

These records are retrieved by the names of the individuals on whom they are maintained.

Safeguards:

These records are located in combination lock steel file cabinets to which only the Agency Ethics Officer and staff authorized by that individual have access.

Retention and disposal:

Records on current employees are updated yearly and are retained so long as the individual occupies a covered position. Records on former employees are disposed of six (6) years after the date they leave a covered position in accordance with law regulating disposal of federal records.

System manager(s) and address:

Agency Ethics Officer, Office of Administration, Old Executive Office Building, Room 490, 17th & Pennsylvania Avenue NW, Washington, D.C. 20500.

Notification procedure:

Individuals wishing to inquire whether this system contains information about them should contact the Agency Ethics Officer or designee, as appropriate. Individuals must furnish the following information for their records to be located and identified.

- a. Full name.
- b. Position title(s) held in agency to which inquiry is made.

Record access procedures:

Individual wishing to inquire whether this system contains information about them should contact the Agency Ethics Officer or designee, as appropriate. Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Position title(s) held in agency to which inquiry is made.

An individual requesting access must also follow the Officer's Privacy Act procedures regarding access to records and proof of identity.

Contesting record procedures:

Individual wishing to inquire whether this system contains information about them should contact the Agency Ethics Officer or designee, as appropriate. Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Position title(s) held in agency to which inquiry is made.

Individuals requesting access and amendment must also comply with the Office's procedures regarding access to and amendment of records and verification of identity.

Record source categories:

Information in this system of records is provided by:

- a. The subject individual or by a designated person such as a trustee, attorney, accountant, or relative.
- b. Federal officials who review the statements to make conflict-of-interest determinations.

Systems exempted from certain provisions of the act:

None.

Title 5-Administrative Personnel

Chapter XV-Office of Administration, Executive Office of the President

PART 2504-PRIVACY ACT REGULATIONS

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Authority: 5 U.S.C. 552a.

Source: 45 FR 41121, June 18, 1980, unless otherwise noted.

§ 2504.1 Purpose and scope.

These regulations implement the Privacy Act of 1974, 5 U.S.C. 552a. The regulations apply to all records maintained by the Office of Administration that are contained in a system of records, and that contain information about an individual. The regulations also establish procedures that (a) authorize an individual's access to records maintained about him; (b) limit the access of other persons to those records, and (c) permit an individual to request the amendment or correction of records about him.

§ 2504.2 Definitions.

For the purposes of this part—(a) "Office" means the Office of Administration, Executive Office of the President;

(b) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(c) "Maintain" means collect, use or distribute;

(d) "Record" means any item collection or grouping of information about an individual that is maintained by the Office, including but not limited to education, financial transactions,

medical history, and criminal or employment history and that contain the individual's name, identifying number, symbol, or other identifiers assigned to the individual, such as a finger or voice print or photograph;

(e) "System of records" means a group of any records controlled by the Office and from which information is retrieved by the name of the individual;

(f) "System manager" means the employee of the Office who is responsible for the maintenance, collection, use or distribution of information contained in a system of records;

(g) "Routine use" means, with respect to the disclosure of a record, the use of that record for a purpose consistent with the purpose for which it was collected;

(h) "Subject individual" means the individual by whose name or other personal identifier a record is maintained or retrieved;

(i) "Statistical record" means record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of Title 13 U.S.C.;

(j) "Agency" means agency as defined in 5 U.S.C. 552(e);

(k) "Work days" as used in calculating the date when response is due does not include Saturdays, Sundays and legal public holidays.

§ 2504.3 Annual notice of systems of records maintained.

The Office will publish in the Federal Register upon establishment or revision a notice of the existence and character of the systems of records the Office maintains. The notice shall include (a) the system name, (b) the system location, (c) the categories of individuals covered by the system, (d) the categories of records in the system, (e) the Office's authority to maintain the system, (f) the routine uses of the system, (g) the Office's policies and practice for maintenance of the system, (h) the system manager, (i) the procedures for notification, access to and correction of records in the system, and (j) the sources of information for the system.

[45 FR 41121, June 18, 1980, as amended at 49 FR 28236, July 11, 1984]

§ 2504.4 Determining if an individual is the subject of a record.

(a) Individuals desiring to know if a specific system of records maintained by the Office contains a record pertaining to them should address inquiries to the Privacy Act Officer,

Office of Administration, Washington, D.C. 20503.

(b) Inquiries must be in writing and the words "PRIVACY ACT REQUEST" should be printed on both the letter and the envelope. The request letter should contain the complete name and identifying number of the pertinent system as published in the annual **Federal Register** notice describing the Office's Systems of Records; the full name and address of the subject individual; a brief description of the nature, time, place and circumstances of the individual's prior association with the Office; and any other information the individual believes would help the Privacy Act Officer determine whether the information about the individual is included in the system of records. In instances when the information is insufficient to ensure disclosure to the subject individual to whom the record pertains, the Office reserves the right to ask the requestor for additional identifying information.

(c) To the extent possible, the Privacy Act Officer will answer or acknowledge the inquiry within 10 work days of its receipt by the Office. When the response cannot be made within 10 work days, the Privacy Act Officer will provide the requestor with the date when a response may be expected and, whenever possible, the specific reasons for the delay.

[45 FR 41121, June 18, 1980, as amended at 49 FR 28235, July 11, 1984]

§ 2504.5 Granting access to a record.

(a) An individual requesting access to a record about himself in a system of records maintained by the Office should submit the request in writing to the Privacy Act Officer. Due to security measures at the Old and New Executive Office Buildings, requests made in person can only be accepted from current Office employees, who should make access requests to the Privacy Act Officer on regularly scheduled work days between 9:00 a.m. and 5:30 p.m.

(b) The request for access should contain the same information set forth in § 2504.4(b). However, if the request for access follows a request made under § 2504.4(a) and (b) of this part, the same identifying information need not be included: *Provided*, That a copy of the prior request or a copy of the Office's response to that request is attached. The request should state if a copy of the record is desired.

[45 FR 41121, June 18, 1980, as amended by 49 FR 28235, July 11, 1984]

§ 2504.6 Special procedures for medical records.

(a) When the Privacy Officer receives a request from an individual for access to those official medical records which belong to the Office of Personnel Management and are described in Chapter 339, Federal Personnel Manual (medical records about entrance qualification or fitness for duty, or medical records which are otherwise filed in the Official Personnel Folder), the pertinent records shall be referred to a Federal Medical Officer for review and determination in accordance with this section. If no Federal Medical Officer is available to make the determination required by this section, the Privacy Act Officer shall refer the request and the medical reports concerned to the Office of Personnel Management for determination.

(b) If, in the opinion of a Federal Medical Officer, medical records requested by the subject individual indicate a condition about which a prudent physician would hesitate to inform a person suffering from such a condition of its exact nature and probable outcome, the Privacy Officer shall not release the medical information to the subject individual nor to any person other than a physician designated in writing by the subject individual, his guardian, or conservator.

(c) If, in the opinion of a Federal Medical Officer, the medical information does not indicate the presence of any condition which would cause a prudent physician to hesitate to inform a person suffering from such a condition of its exact nature and probable outcome, the Privacy Act Officer shall release it to the subject individual or to any person, firm, or organization which the individual authorizes in writing to receive it.

[45 FR 41121, June 18, 1980, as amended at 49 FR 28235, July 11, 1984]

§ 2504.7 Granting access when accompanied by another individual.

An individual who wishes to have a person of his choosing review, accompany him (or her) in reviewing, or obtain a copy of a record must, prior to the disclosure, sign a statement authorizing the disclosure of his record. The statement shall be maintained with the record.

§ 2504.8 Action on request.

(a) The Privacy Act Officer shall acknowledge requests for access within 10 work days of its receipt by the Office. At a minimum, the acknowledgement shall include:

(1) When and where the records will be available;

(2) The name, title and telephone number of the official who will make the records available;

(3) Whether access will be granted only through providing a copy of the record through the mail, or only by examination of the record in person if the Privacy Act Officer after consulting with the appropriate system manager has determined the requestor's access would not be unduly impeded;

(4) Fee, if any, charged for copies. (See § 2504.17); and

(5) Identification documentation required to verify the identity of the requestor (see § 2504.9).

[45 FR 41121, June 18, 1980, as amended at 49 FR 28236, July 11, 1984]

§ 2504.9 Identification requirements.

(a) A requestor should be prepared to identify himself (or herself) by signature, i.e., to note by signature the date of access and/or to produce two other legal forms of identification (driver's license, employee identification, annuitant card, passport, etc.).

(b) If an individual is unable to produce adequate identification, the individual shall sign a statement asserting identity and acknowledging that knowingly or willfully seeking or obtaining access to records about another person under false pretenses may result in a fine of up to \$5,000 (see § 2504.18). In addition, depending upon the sensitivity of the records, the Privacy Act Officer after consulting with the appropriate system manager may require further reasonable assurances, such as statements of other individuals who can attest to the identity of the requestor.

(c) If access is granted by mail, the identity of the requestor shall be verified by comparing signatures. If, in the opinion of the Privacy Act Officer after consulting with the appropriate system manager, the granting of access through the mail may result in harm or embarrassment if disclosed to a person other than the subject individual, a notarized statement of identity or some other similar assurance of identity will be required.

[45 FR 41121, June 18, 1980, as amended at 49 FR 28236, July 11, 1984]

§ 2504.10 Access of others to records about an individual.

(a) No official or employee of the Office shall disclose any record to any person or to another agency without the express written consent of the subject individual, unless the disclosure is:

(1) To officers or employees of the Office who need the information to perform their official duties;

(2) Under the requirements of the Freedom of Information Act;

(3) For a routine use that has been published in a notice in the **Federal Register**;

(4) To the Bureau of the Census for uses under Title 13 of the United States Code;

(5) To a person or agency who has given the Office advance written notice of the purpose of the request and certification that the record will be used only for statistical purposes. (In addition to deleting personal identifying information from records released for statistical purposes, the Privacy Act Officer shall ensure that the identity of the individual cannot reasonably be deduced by combining various statistical records);

(6) To the National Archives of the United States if a record has sufficient historical or other value to be preserved by the United States Government, or to the Privacy Act Officer (or a designee) to determine whether the record has that value;

(7) In response to written request, that identifies the record and the purpose of the request, made by another agency or instrumentality of any Government jurisdiction within or under the control of the United States for civil or criminal law enforcement activity, if that activity is authorized by law;

(8) To a person who, showing compelling circumstances, needs the information to prevent harm to the health or safety of an individual, but not necessarily the individual to whom the record pertains (upon such disclosure, a notification shall be sent to the last known address of the subject individual);

(9) To either House of Congress, or to a Congressional committee or subcommittee if the subject matter is within its jurisdiction;

(10) To the Comptroller General, or an authorized representative, to carry out the duties of the General Accounting Office;

(11) Pursuant to a court order;

(12) To a consumer reporting agency in accordance with section 3711(f) of Title 31.

[45 FR 41121, Jun. 18, 1980, as amended at 49 FR 28236, July 11, 1984]

§ 2504.11 Access to the accounting of disclosures from records.

Rules governing access to the accounting of disclosures are the same as those granting access to the records.

§ 2504.12 Denials of access.

(a) The Privacy Act Officer may deny an individual access to his (or her) record if: (1) In the opinion of the

Privacy Act Officer, the individual seeking access has not provided sufficient identification documentation to permit access; or

(2) The Office has published rules in the **Federal Register** exempting the pertinent system of records from the access requirement.

(b) If access is denied, the requestor shall be informed of the reasons for denial and the procedures to obtain a review of the denial (see § 2504.15).

[45 FR 41121, June 18, 1980, as amended at 49 FR 28236, July 11, 1984]

§ 2504.13 Requirements for requests to amend records.

(a) Individuals who desire to correct or amend a record pertaining to them should submit a written request to the Privacy Act Officer, Office of Administration, Washington, D.C., 20503. The words "PRIVACY ACT—REQUEST TO AMEND RECORD" should be written on the letter and the envelope.

(b) The request for amendment or correction of the record must state the exact name of the system of records as published in the **Federal Register**; a precise description of the record proposed for amendment; a brief statement describing the information the requestor believes to be inaccurate or incomplete, and why; and, the amendment or correction desired. If the request to amend the record is the result of the individual's having accessed the record in accordance with §§ 2504.5, 2504.6, 2504.7, 2504.8 of this part, copies of previous correspondence between the requestor and the Office should be attached, if possible.

(c) Individuals needing assistance in preparing a request to amend a record may contact the Privacy Act Officer at the address cited in § 2504.13(a) of this part.

(d) If the individual's identity has not been previously verified, the Office may require identification documentation as described in § 2504.9.

[45 FR 41121, June 18, 1980, as amended at 49 FR 28236, July 11, 1984]

§ 2504.14 Action on request to amend a record.

(a) A request for amendment of a record will be acknowledged within 10 work days of its receipt by the Office. If a decision cannot be made within this time, the requestor will be informed by mail of the reasons for the delay and the date when a reply can be expected, normally within 30 work days from receipt of the request.

(b) The final response will include the Office's determination of whether to

grant or deny the request. If the request is denied, the response will include:

(1) The reasons for the decision;

(2) The name and address of the official to whom an appeal should be directed;

(3) The name and address of the official designated to assist the individual in preparing the appeal;

(4) A description of the appeal process within the Office; and

(5) A description of any other procedures which may be required of the individual in order to process the appeal.

§ 2504.15 Procedures for appeal of determination deny access to or amendment of records.

(a) Individuals who disagree with the refusal of the Office to grant them access to or to amend a record about them should submit a written request for review to the Privacy Act Officer, Office of Administration, Washington, D.C., 20503. The words "PRIVACY ACT—APPEAL" should be written on the letter and the envelope. Individuals desiring assistance preparing their appeal should contact the Privacy Act Officer.

(b) The appeal letter must be received by the Office within 30 calendar days from the date the requestor received the notice of denial. At a minimum, the appeal letter should identify:

(1) The records involved;

(2) The date of the initial request for access to or amendment of the record;

(3) The date of the Office denial of that request; and

(4) The reasons supporting the request for reversal of the Office's decision.

Copies of previous correspondence from the Office denying the request to access or amend the record should also be attached, if possible.

(c) The Office reserves the right to dispose of correspondence concerning the request to access or amend a record if no request for review of the Office's decision is received within 180 days of the decision date. Therefore, a request for review received after 180 days may, at the discretion of the Privacy Act Officer, be treated as an initial request to access or amend a record.

[45 FR 41121, June 18, 1980, as amended at 49 FR 28236, July 11, 1984]

§ 2504.16 Appeals process.

(a) Within 20 work days of receiving the request for review, a review group composed of the Privacy Act Officer, the General Counsel and the Official having operational control over the record, will propose a determination on the appeal for the Director's final decision. If a final determination cannot be made in 20 days, the requestor will be informed of

the reasons for the delay and the date on which a final decision can be expected. Such extensions are unusual, and should not exceed an additional 30 work days.

(b) If the original request was for access and the initial determination is reversed, the procedures in § 2504.8 will be followed. If the initial determination is upheld, the requestor will be so informed and advised of the right to judicial review pursuant to 5 U.S.C. 552a(g).

(c) If the initial denial of a request to amend a record is reversed, the Office will correct the record as requested and advise the individual of the correction. If the original decision is upheld, the requestor will be so advised and informed in writing of the right to judicial review pursuant to 5 U.S.C. 552a(g). In addition, the requestor will be advised of his (or her) right to file a concise statement of disagreement with the Director. The statement of disagreement should include an explanation of why the requestor believes the record is inaccurate, irrelevant, untimely or incomplete. The Director shall maintain the statement of disagreement with the disputed record, and shall include a copy of the statement of disagreement in any disclosure of the record. Additionally, the Privacy Act Officer shall provide a copy of the statement of disagreement to any person or agency to whom the record has been disclosed, if the disclosure was made pursuant to § 2504.10 (5 U.S.C. 552(a)(c)).

[45 FR 41121, June 18, 1980, as amended at 49 FR 28236, July 11, 1984]

§ 2504.17 Fees.

(a) Individuals will not be charged for:

(1) The search and review of the record;

(2) Any copies produced to make the record available for access;

(3) Copies of the requested record if access can only be accomplished by providing a copy through the mail; and

(4) Copies of three (3) or less pages of a requested record.

(b) Records will be photocopied for 10¢ per page for four pages or more (except for paragraphs (a)(1), (2), (3), (4) of this section). If the record is larger than 8½ × 14 inches, the fee will be the cost of reproducing the record through Government or commercial sources.

(c) Fees shall be paid in full prior to issuance of requested copies. Payment shall be by personal check or money order payable to the Treasurer of the United States, and mailed or delivered to the Privacy Act Officer, Office of Administration, Washington, D.C. 20503.

(d) The Privacy Act Officer may waive the fee if: (1) The cost of collecting the fee exceeds the amount collected; or

(2) The production of the copies at no charge is in the best interest of the government.

(e) A receipt will be furnished on request.

[45 FR 41121, June 18, 1980, as amended at 49 FR 28236, July 11, 1984]

§ 2504.18 Penalties.

(a) Title 18, U.S.C. Section 2001, Crimes and Criminal Procedures, makes it a criminal offense, subject to a maximum fine of \$10,000 or imprisonment for not more than five years, or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representation in any matter within the jurisdiction of any agency of the United

States. Section (i) (3) of the Privacy Act (5 U.S.C. 552a) makes it a misdemeanor, subject to a maximum fine of \$5,000 to knowingly and willfully request or obtain any record concerning an individual under false pretenses. Sections (i) (1) and (2) or 5 U.S.C. 552a provide penalties for violations by agency employees of the Privacy Act or regulations established thereunder.

EXPORT-IMPORT BANK OF THE UNITED STATES

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EIB-1

System name:

EIB Biographical Sketches on Eximbank Employees.

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

Officers and professionals of the Eximbank.

Categories of records in the system:

Name, date of birth, place of birth, educational and work experience.

Authority for maintenance of the system:

Eximbank personnel management practices.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

By officials and personnel of the Eximbank for public appearance. By news media in connection with speeches, public appearance, newspapers, etc. By departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in binder books and file folders.

Retrievability:

Alphabetically.

Safeguards:

Bookcases and desks and in a building that has a GSA contractor guard.

Retention and disposal:

Retained while employed by the Eximbank or until appointment expires.

System manager(s) and address:

Office of Personnel, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Individual and miscellaneous personnel forms.

EIB-2

System name:

EIB Confidential Statement of Employment and Financial Interest.

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

All Eximbank past and present employees above a certain grade level unless exempted by the Ethics Committee.

Categories of records in the system:

Name, title of position, date of appointment in present position, office or division, employment and financial interest, creditors, interests in real property and information requested of other persons, signature and date.

Authority for maintenance of the system:

Required by Section 402 of Executive Order 11222 dated May 8, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Reviewed by members of the Ethics Committee regarding conflicts of interest. By officials and employees of the Eximbank in the performance of their official duties and by other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folder.

Retrievability:

Alphabetical.

Safeguards:

Locked cabinet and in a building that has a GSA contractor guard.

Retention and disposal:

Statements are disposed of 6 years after the date they are filed by the individual. Disposal is burning or shredding.

System manager(s) and address:

General Counsel, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contain a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Individual.

EIB-3

System name:

EIB Driver's License File.

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

SF-46, U.S. Government Motor Vehicle Operator's Identification Card for issuance to those present and past employees authorized to drive an official Government car in the performance of their assigned duties.

Categories of records in the system:

Name, card number, date issued, expiration date, signature of operator, sex, date of birth, color of hair, color of eyes, height, weight, birthplace, social security number, signature of issuing official, title, name and location of issuing unit.

Authority for maintenance of the system:

In accordance with FPM 930.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

By officials and employees of the Eximbank in the performance of their official duties. By the Department of Motor Vehicles, D.C. Police Department, Justice Department and insurance companies in the performance of their official duties. By other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folder.

Retrievability:

Chronological.

Safeguards:

Locked office and in a building that has a GSA contractor guard.

Retention and disposal:

Retained indefinitely.

System manager(s) and address:

Administrative Officer, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Vice President—Administration, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Individual and the completion of EIB Form 74-2 and SF-46.

EIB-4

System name:

EIB Earnings and Tax Statement.

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

Eximbank past and present employees yearly earnings.

Categories of records in the system:

Name, social security number, home address, gross earnings for the year, federal and state tax deductions for the year and marital status.

Authority for maintenance of the system:

Internal Revenue Service.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used at the end of the calendar year by the Payroll Unit. By officials and employees of the Eximbank in the performance of their official duties. By representatives of the OPM, Comptroller General, Attorney General, Treasury and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Disclosure to consumer reporting agencies:

Disclosure pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File cabinet.

Retrievability:

Alphabetical.

Safeguards:

Locked file cabinet and in a building that has a GSA contractor guard.

Retention and disposal:

3 years.

System manager(s) and address:

Treasurer Controller, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Individual and payroll records.

EIB-5

System name:

EIB Employee Records (Relocation Site).

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

Current Eximbank employees.

Categories of records in the system:

Service records cards, retirement deductions, bond balances, annual and sick leave balances.

Authority for maintenance of the system:

Vital Records Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records maintained for reference and backup for main records. By officials and employees of the Eximbank in the performance of their official duties. By employees and officials of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Expandable envelope.

Retrievability:

Alphabetically within the envelope.

Safeguards:

Locked safe file at relocations site.

Retention and disposal:

Records are updated quarterly, and out-of-date records destroyed.

System manager(s) and address:

Administrative Officer, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Office of Personnel and Payroll Unit

EIB--6

System name:

EIB Equal Employment Opportunity, Discrimination Complaint.

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

Eximbank employee filing a discrimination complaint.

Categories of records in the system:

Name and type of complaint.

Authority for maintenance of the system:

Executive Order 10590, Government Employment Policy.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

By persons of the Eximbank in the performance of their official duties. By Justice, EEOC, duly authorized representatives of the complainant in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Numerically.

Safeguards:

Locked file cabinet and a building that has a GSA contractor guard.

Retention and disposal:

Indefinite.

System manager(s) and address:

Administrative Officer/EEO Officer, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Investigator, individual and employees of the division of office where the complainant was/is employed.

EIB--7

System name:

EIB Financial Assistance Request for (Under Federal Employee Training Act).

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

EIB employees requesting financial assistance for training and text books.

Categories of records in the system:

Application for training.

Authority for maintenance of the system:

Federal Employees Training Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used as official authorization to justify payment for training expenses. By officials and employees of the Eximbank in the performance of their official duties and by GAO and other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Folders.

Retrievability:

Alphabetical by period.

Safeguards:

Locked file cabinet and in a building that has a GSA contractor guard.

Retention and disposal:

3 years.

System manager(s) and address:

Treasurer Controller and Office Services, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 822 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request"—and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Individual.

EIB--8

System name:

EIB Financial Organization, Credit to Account (Checking).

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

EIB employees complete when they want their salary check to be sent directly to a financial organization of their choice.

Categories of records in the system:

Employees application for deposit of salary check to the financial organization (checking) of their choice.

Authority for maintenance of the system:

Treasury Department Fiscal Service.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by the Treasurer Controller and his staff and officials and employees of the Eximbank in the performance of the official duties. By representatives of the OPM, Controller General, Treasury, financial institutions and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of the individual.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Filed in folders.

Retrievability:

Alphabetical.

Safeguards:

Locked file cabinet and in a building that has a GSA contractor guard.

Retention and disposal:

Until employee cancels.

System manager(s) and address:

Treasurer Controller, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Payroll Section, Treasurer Controller's office.

Record source categories:

Individual.

EIB-9**System name:**

EIB Financial Organization, Credit to Account (Savings).

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

EIB employees complete when they want their salary check or a portion to be sent to a savings financial organization of their choice.

Categories of records in the system:

Employees application for the deposit of salary check or a portion to be sent to a savings financial organization of their choice.

Authority for maintenance of the system:

Department of the Treasury, Bureau of Accounts.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by the Treasurer Controller and his staff and officials and employees of the Eximbank in the performance of their official duties. By representatives of the OPM, Comptroller General, Treasury, financial institutions and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

File folder.

Retrievability:

Alphabetical.

Safeguards:

Locked combination safe and in a building that has a GSA contractor guard.

Retention and disposal:

Until employee cancels.

System manager(s) and address:

Treasurer Controller, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Payroll Section, Treasurer Controller's office.

Record source categories:

Individual.

EIB-10**System name:**

EIB Garage Space Application.

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

EIB employees and other employees in federal agencies within the area holding parking spaces in the building.

Categories of records in the system:

Name, address, license number, telephone number, make and license tag number of car, building location and room number and signature and date.

Authority for maintenance of the system:

Eximbank management practices.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Maintained as the current list of current and potential garage space holders and alternates. By officials and employees of the Eximbank in the performance of their official duties. By representatives of the GSA and insurance companies in the performance of their official duties and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

File folders.

Retrievability:

Alphabetical.

Safeguards:

File cabinet in locked office and in a building that has a GSA contractor guard.

Retention and disposal:

As changes occur.

System manager(s) and address:

Administrative Officer, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Individual.

EIB-12**System name:**

EIB Passport Request File.

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

Eximbank past and present employees required to travel overseas in an official capacity who request an Official Passport.

Categories of records in the system:

Name, title, grade, approximate dates of travel, destination and purpose of travel and grade.

Authority for maintenance of the system:

Eximbank management practices.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

By officials and employees of the Eximbank in the performance of their official duties. By State Department and embassies in the performance of their official duties and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

File folder.

Retrievability:

Chronologically.

Safeguards:

2 drawer unlocked file cabinet and in a building that has a GSA contractor guard.

Retention and disposal:

Indefinitely.

System manager(s) and address:

Administrative Officer, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individuals should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

tion, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Individual.

EIB-13**System name:**

EIB Payroll Certification.

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

All present Eximbank employees.

Categories of records in the system:

Payroll summary.

Authority for maintenance of the system:

Treasury Department, Bureau of Accounts.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

By the Treasurer Controller and his staff and officials and employees of the Eximbank in the performance of their official duties. By representatives of the OPM, GAO, Justice in the performance of their official duties and by other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

File folder.

Retrievability:

Numerical.

Safeguards:

Combination safe and in a building that has a GSA contractor guard.

Retention and disposal:

Retained 3 years.

System manager(s) and address:

Treasurer Controller, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Time and attendance cards and personnel notification.

EIB-15**System name:**

EIB Payroll File.

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571 and off-site.

Categories of individuals covered by the system:

All Eximbank past and present employees.

Categories of records in the system:

Master payroll employee record.

Authority for maintenance of the system:

Eximbank management practices.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

By officials and employees of the Eximbank in the performance of their official duties. By GSA, Justice, Treasury, GAO, Comptroller General and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape.

Retrievability:

Pay period, employee number and social security number.

Safeguards:

Locked fire-proof safe and in a building that has a GSA contractor guard. Copy retained off-site.

Retention and disposal:

15 years.

System manager(s) and address:

Treasurer Controller, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Payroll Unit and related personnel files.

EIB-16

System name:

EIB Payroll Information Employee.

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

All present and past Eximbank employees.

Categories of records in the system:

Employee payroll summary, i.e., name, social security number, marital status, grade and step, annual hourly and overtime rate, etc.

Authority for maintenance of the system:

GAO Policy and Procedures Manual for Guidance of Federal Agencies for controls over automated payroll system.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

By officials and employees of the Eximbank in the performance of their official duties. By OPM, GAO, IRS, HUD, Department of Labor and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Filed in binders.

Retrievability:

Numerically.

Safeguards:

Locked cabinet and in a building that has a GSA contractor guard.

Retention and disposal:

Retained 3 years.

System manager(s) and address:

Treasurer Controller, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a systems of record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individuals should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Office of Personnel and individual.

EIB-17

System name:

EIB Payroll Listing.

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

Eximbank past and present employees.

Categories of records in the system:

Name, net pay and check.

Authority for maintenance of the system:

Treasury Department.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used as a check list to distribute pay check to employees. By officials and employees of the Eximbank in the performance of their official duties. By Treasury, GAO, Comptroller General, OPM and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folder.

Retrievability:

By pay period.

Safeguards:

File cabinet in a building that has a GSA contractor guard.

Retention and disposal:

Retained 2 years and then destroyed.

System manager(s) and address:

Treasurer Controller, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Time and attendance cards and related personnel forms.

EIB—18

System name:

EIB Payroll Master Record.

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

All new Eximbank employees and changes to old employees.

Categories of records in the system:

Employee payroll summary, i.e., name, social security number, hourly rate, overtime rate, etc.

Authority for maintenance of the system:

GAO Policy and Procedures Manual for Guidance of Federal Agencies Title 6 for controls over automated payroll system.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to enter new employees and making any changes effecting old employees. By officials and employees of the Eximbank in the performance of their official duties. By Social Security, GAO, Comptroller General, IRS and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Binders.

Retrievability:

Office or division.

Safeguards:

Locked cabinets in a building that has a GSA contractor guard.

Retention and disposal:

Retained 3 years.

System manager(s) and address:

Treasurer Controller, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Office of Personnel and individual.

EIB—19

System name:

EIB Payroll Control Manual.

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

All new employees and present and past employees making deductions and pay changes.

Categories of records in the system:

Control covering the biweekly payroll including such information as name, base pay and any deductions such as FICA, retirement, bond, insurance, health, charity, optional insurance and savings.

Authority for maintenance of the system:

GAO Policy and Procedures Manual for Guidance of Federal Agencies for controls over automated payroll system.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

By officials and employees of the Eximbank in the performance of their official duties. By OPM, Justice, IRS, Comptroller General and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folder.

Retrievability:

According to pay period.

Safeguards:

Locked cabinet and in a building that has a GSA contractor guard.

Retention and disposal:

Retained 3 years.

System manager(s) and address:

Treasurer Controller, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Contesting record procedures:

Same as above.

Record source categories:

Office of Personnel and individual.

EIB—20

System name:

EIB Periodic Step Increase File.

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

All current GS Eximbank employees who are not in the top step of their grade.

Categories of records in the system:

Contains name, social security number, current GS grade, current step of grade and date of next equivalent increase.

Authority for maintenance of the system:

Eximbank management practices.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by Office of Personnel to insure all step increases are given at the correct time. By officials and employees of the Eximbank in the performance of their official duties. By OPM and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Cabinet.

Retrievability:

Alphabetical by due dates.

Safeguards:

Locked cabinet and in a building that has a GSA contractor guard.

Retention and disposal:

As long as employee is employed by the Eximbank and is eligible for a Periodic Step Increase.

System manager(s) and address:

Administrative Officer, Office of Personnel, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Based on information in the official personnel file of each Eximbank employee.

EIB-22

System name:

EIB Personnel Security Records.

Security classification:

Secret.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

Eximbank employees, applicants, and consultants.

Categories of records in the system:

Personnel investigations of current employees including actual investigations, summary investigations from other Federal agencies, security forms and correspondence relating to security.

Authority for maintenance of the system:

Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Personnel security records are maintained in order to determine the level of clearance Eximbank employees permitted regarding access to classified materials and meetings in accordance with Executive Order 10450. By officials and employees of the Eximbank in the performance of their official duties. By OPM, FBI and by officials and employees of other departments and agencies in the performance of their official duties.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folder.

Retrievability:

Alphabetical.

Safeguards:

Combination security locked file cabinet and in a building that has a GSA contractor guard.

Retention and disposal:

Investigative files destroyed:

1. If applicant declines employment; 2. 2 years after employee's departure, except SF-312 which is retained for 50 years; 3. upon consultant's completion of services.

System manager(s) and address:

Administrative Officer, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Investigations received from Federal investigative agencies and correspondence generated by other departments and agencies containing information from employers, references, schools, neighbors, police, credit agencies and other Federal investigative agencies.

EIB-23

System name:

EIB Personnel Roster.

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

All present and past Eximbank employees.

Categories of records in the system:

Alphabetical listing of employees by name, home address and telephone number.

Authority for maintenance of the system:

Eximbank management practices.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by officials and employees of the Eximbank in the performance of their official duties. By officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folder.

Retrievability:

Alphabetical.

Safeguards:

Locked cabinet and in a building that has a GSA contractor guard.

Retention and disposal:

Each calendar year.

System manager(s) and address:

Administrative Officer, Office of Personnel, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individuals should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Employee official personnel file and individual.

EIB—24**System name:**

EIB Personnel Security Correspondence.

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

Present Eximbank employees, applicants and terminated or transferred employees.

Categories of records in the system:

Letters of transmittal to OPM requesting investigation and memorandum to office and/or division heads regarding clearances.

Authority for maintenance of the system:

Eximbank management practices.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

By officials and employees of the Eximbank in the performance of their official duties and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

File folder.

Retrievability:

Kept chronologically in employee's security folder.

Safeguards:

Combination locked security cabinet and in a building that has a GSA contractor guard.

Retention and disposal:

2 years after employee separates from the Bank, destroyed by burning.

System manager(s) and address:

Administrative Officer, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Individual and various personnel forms.

EIB—25**System name:**

EIB Computerized Payroll/Personnel Systems.

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

All Eximbank employees since 1970.

Categories of records in the system:

Extensive current and historical payroll and personnel data.

Authority for maintenance of the system:

Eximbank management practices.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

By officials and employees of the Eximbank in the performance of their official duties. By OMB, GAO, and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Access is limited to authorized recipients of computer generated reports and computer personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Magnetic Media.

Retrievability:

By any element maintained on the file.

Safeguards:

The cabinets in area accessible only to authorized personnel and in a building that has a GSA contractor guard.

Retention and disposal:

Maintained for historical data.

System manager(s) and address:

Vice President, Information Management Division, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Various payroll records.

EIB—26**System name:**

EIB Retirement Record Cards.

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

Record maintained on every Eximbank employee paid by the computer system.

Categories of records in the system:

Name, date of birth, social security number and pay rates during employment by the Eximbank. Primary record is cumulative retirement deductions.

Authority for maintenance of the system:

OPM requirement of all Federal agencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Updated for each salary change and yearly total of retirement deductions. Original sent to OPM when employees leave Eximbank. By officials and employees of the Eximbank in the performance of their official duties and by OPM and other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Steel file cabinet.

Retrievability:

Alphabetical.

Safeguards:

Steel file cabinet with combination lock and in a building that has a GSA contractor guard.

Retention and disposal:

Retained until the employee leaves the Eximbank either by transfer to another agency, retirement or resignation.

System manager(s) and address:

Treasurer Controller, Payroll Unit, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individuals should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

SF-50 and payroll computer printout.

EIB—27

System name:

EIB Savings Bond Authorization.

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

Employees of Eximbank who have signed up to purchase bonds.

Categories of records in the system:

Application for the purchase of savings bonds.

Authority for maintenance of the system:

Treasury Dept., Bureau of Accounts.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

For ordering bonds, changing inscription, allotment and beneficiary. Used by officials and employees of the Eximbank in the performance of their official duties. By Treasury, IRS, OPM, GAO, Controller General and other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File cabinet.

Retrievability:

Alphabetical.

Safeguards:

Steel file cabinet and in a building that has a GSA contractor guard.

Retention and disposal:

Maintained 1 year after termination.

System manager(s) and address:

Treasurer Controller, Payroll Unit, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Employee complete SF-1192.

EIB—28

System name:

EIB Savings Bond File.

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

Eximbank present and past employees.

Categories of records in the system:

Employee name, amount of bond and bond serial number.

Authority for maintenance of the system:

Eximbank management practices.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used as a check list to distribute bonds to employees. By officials and employees of the Eximbank in the performance of their official duties. By IRS, Treasury, GAO, Comptroller General and other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folder.

Retrievability:

By pay period.

Safeguards:

File cabinet and in a building that has a GSA contractor guard.

Retention and disposal:

3 years and destroyed.

System manager(s) and address:

Treasurer Controller, Cash Control Unit, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Payroll Unit.

EIB—29

System name:

EIB Tax Exemption Certificate.

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

Maintained on each present and past employee of the Eximbank.

Categories of records in the system:

Name, address, social security number and the number of withholding exemptions an employee claims on his/her taxes.

Authority for maintenance of the system:

IRS regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used when a new employee enters employment or when a present employee wishes to make a change. By officials and employees of the Eximbank in the performance of their official duties. By OPM, Treasury, IRS, GAO, state governments and by other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

File cabinet.

Retrievability:

Alphabetically.

Safeguards:

Steel file cabinet and in a building that has a GSA contractor guard.

Retention and disposal:

1 year after employee transfers, retires or resigns.

System manager(s) and address:

Treasurer Controller, Payroll Unit, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Individual.

EIB—30**System name:**

EIB Time and Attendance Card.

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

All Eximbank present and past employees.

Categories of records in the system:

Number of hours worked, i.e., regular, overtime, compensatory time, holiday, night differential, leave taken, annual, sick, compensatory time, LWOP and other.

Authority for maintenance of the system:

GAO Policy and Procedures Manual for Guidance of Federal Agencies, Title 6.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to determine payment to all Eximbank employees on duty. By officials and employees of the Eximbank in the performance of their official duties. By OPM, GAO, Treasury, Justice, agent of an employee in connection with a grievance and by other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

File folder.

Retrievability:

Alphabetical by division.

Safeguards:

Steel file cabinet and in a building that has a GSA contractor guard.

Retention and disposal:

3 years.

System manager(s) and address:

Treasurer Controller, Payroll Unit, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Time and attendance files.

EIB—31**System name:**

EIB Travel Advance Application.

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

Eximbank employee travelling on official business requesting travel advance.

Categories of records in the system:

Name, agency, bureau/division, office, authorization number, date, address to where check should be mailed, signature of applicant, amount applied for, balance due on previous advance, signature of approving officer and date, appropriation number and any remarks.

Authority for maintenance of the system:

General Accounting Office.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Travelers making a request for an advance. By officials and employees of the Eximbank in the performance of their official duties. By GAO, Comptroller General, Attorney General, Treasury and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Disclosure to consumer reporting agencies:

Disclosure may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Cards.

Retrievability:

Alphabetical.

Safeguards:

File box and in a building that has a GSA contractor guard.

Retention and disposal:

4 years.

System manager(s) and address:

Treasurer Controller, Travel and Administrative Expense Unit, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Individual.

EIB-32**System name:**

EIB Travel Ledger.

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

Persons travelling on official business for the Eximbank.

Categories of records in the system:

Travelers name, travel order number, place travelling to, voucher number, accruals of expenses, payments broken into 2 parts (P.D. and carrier), and the balance of accruals for particular trip.

Authority for maintenance of the system:

Eximbank management practices.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To control accounting of travel expenses. By officials and employees of the Eximbank in the performance of their official duties and by GAO, and other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Microcomputer.

Retrievability:

Travel order number, Traveler's name.

Safeguards:

In a building that has a GSA contractor guard.

Retention and disposal:

Retained 3 years.

System manager(s) and address:

Treasurer Controller, Payroll and Administrative Expense Section, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Disbursement vouchers and related travel forms.

EIB-33**System name:**

EIB Visa Request File.

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

Eximbank employees, past and present, who travel on official business and to countries that require a visa to be applied to their Official Passport.

Categories of records in the system:

Name, title, passport number and approximate dates of travel.

Authority for maintenance of the system:

State Department and regulations of foreign countries.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by officials and employees of the Eximbank in the performance of their official duties and by State Department, embassies and by other departments and agencies in the performance of their official duties.

Disclosure may be to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

File folder.

Retrievability:

Chronological.

Safeguards:

2 drawer unlocked cabinet and in a building that has a GSA contractor guard.

Retention and disposal:

Previous calendar year and present calendar year.

System manager(s) and address:

Administrative Officer, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Individual.

EIB-34**System name:**

EIB Service Cards (SF-7).

Security classification:

None.

System location:

811 Vermont Avenue, NW, Washington, D.C. 20571.

Categories of individuals covered by the system:

Past and present employees of Eximbank.

Categories of records in the system:

Name, date of birth, social security number, date of appointment or transfer, organization to which assigned, position title, position number, grade/step/salary, and date of separation.

Authority for maintenance of the system:

OPM.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by personnel clerical employees in the processing of official personnel actions.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Active in Kardex; inactive in locked filing cabinet.

Retrievability:

By organization for current employees, alphabetically for former employees.

Safeguards:

Locked cabinet and in a building that has a GSA contractor guard.

Retention and disposal:

Retained indefinitely.

System manager(s) and address:

Office of Personnel, 811 Vermont Avenue, NW, Washington, D.C. 20571.

Notification procedure:

Administrative Officer, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

Record access procedures:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individuals should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

Record source categories:

Official Personnel Folder.

Title 12-Banks and Banking

Chapter IV-Export - Import Bank of the United States

PART 405—PRIVACY ACT RULES

Sec.

405.1 Purpose and scope.

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Authority: 5 U.S.C. 552a(f).

Source: 41 FR 19299, May 12, 1976, unless otherwise noted.

§ 405.1 Purpose and scope.

This Part sets forth the Eximbank procedures under the Privacy Act of 1974, as required by 5 U.S.C. 552a(f), whereby individuals may safeguard their privacy by obtaining access to and requesting corrections of those records under the control of Eximbank which contain information about them.

§ 405.2 Procedures for notification of existence of records pertaining to individuals.

(a) The systems of records, as defined in the Privacy Act of 1974, maintained by Eximbank are listed annually in the **Federal Register** as required by that Act. Any individual who wishes to know whether any of these systems of records contains a record pertaining to him or her may either appear in person at Room 1031, 811 Vermont Avenue, NW, Washington, D.C. 20571, on work days between the hours of 8:45 a.m. and 5:00 p.m. or may write to the Vice President—Administration, Export-Import Bank of the United States, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571. It is recommended that requests be made in writing, as it will not always be possible to determine the existence of a record on the same day that the request is made. Verification of the identity of the requester will be in accordance with the requirements of § 405.3(a) and (b).

(b) Requests for notification of the existence of a record should specifically identify the system of records involved, and should state, if the requester is other than the individual to whom the record pertains, the relationship of the requester to that individual. (Note that requests pursuant to the Privacy Act will not be honored by Eximbank unless made (1) by the individual to whom the

record pertains, or (2) by such individual's parent, if the individual is a minor, or (3) by such individual's legal guardian, if the individual has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction). If an individual is unable to specifically identify the system of records in which that individual is interested, as above required, he or she may so inform Eximbank in writing, stating the reason for the inability, with as full a description of said system of records or the record itself as possible. Eximbank will thereupon use its best efforts to specifically identify the desired system of records.

(c) Eximbank will attempt to respond in writing to a request as to whether a record exists or for assistance in identifying the relevant system of records within 10 days from the time it receives the request or from the time any required identification is established, whichever is later.

§ 405.3 Procedures for requests for access to or disclosure of records pertaining to individuals.

(a) Verification of the identity of individuals making written requests to the Vice President—Administration for access to or disclosure of records pertaining to him or her ordinarily will not be required. The signature upon such requests shall be deemed to be a certification by the individual signing that he or she is the individual to whom the record pertains or the parent of a minor or the duly appointed legal guardian of the individual to whom the record pertains. The Vice President—Administration may, however, require additional verification of identity as specified by him in any instance in which he deems it advisable.

(b) In the case of individuals making requests by appearing at Eximbank, the amount of personal identification required will of necessity vary with the sensitivity of the record involved. Reasonable identification such as employment identification cards, drivers licenses, or credit cards will normally be accepted as sufficient evidence of identity in the absence of any indications to the contrary.

(c) Any individual (subject to the requirements of § 405.2(b)) may request access to or disclosure of records pertaining to him or her by either appearing at Eximbank or by writing to Eximbank (all as provided in of § 405.2(a)). The request should specifically identify the system of records involved and the nature of the information therein which is desired. Eximbank will attempt to provide

individuals who appear at Eximbank with access to their records (providing that all of the other relevant rules hereof are properly met) on the same day as their appearance, if such occurs before 11:00 a.m. Eximbank will attempt to answer written requests by making the record available within 10 working days of the request or by informing the requester of the need for additional identification or the tendering of fees (as specified in paragraph (d) of this section) within said time period. If the record is to be made available, Eximbank will so notify the requester, which notice will state when the requested disclosure will be sent or when and where the records will be available for personal inspection, and, if a copy of a record has been requested, the number of pages Eximbank will copy to comply with the individual's request and that the copy will be mailed to the individual or held at Eximbank for the individual upon receipt of a check or money order payable to Eximbank for the sum due for copying these documents. In the case of an adverse determination with respect to a request, the Vice President—Administration shall so notify the individual in writing, shall specify the reasons therefor and shall advise of the procedure for appealing such adverse determination to the General Counsel, as specified in § 405.4(d).

(d) Charges for copies of records will be at the rate of \$0.10 per photocopy of each page. Where records are not susceptible to photo-copying, e.g. punch cards, magnetic tapes or oversize materials, the amount charged will be actual cost, as determined on a case-by-case basis. Only one copy of each record requested will be supplied. No charge will be made unless the charge as computed above would exceed \$3 for each request or related series of requests. If a fee in excess of \$25 would be required, the requester shall be notified and the fee must be tendered before the records will be copied.

(e) If Eximbank refuses to comply with an individual's request for access, as above provided, that individual may, among other things, bring a civil action for relief against Eximbank in a district court of the United States.

(f) Any individual may also request (in accordance with the procedures above set forth) a copy of the "accounting" kept of each disclosure made by Eximbank to another person or agency (except for certain specified disclosures) of the record pertaining to that individual.

[41 FR 19299, May 12, 1976, as amended at 43 FR 57864, Dec. 11, 1978]

§ 405.4 Correction of records pertaining to individuals.

(a) Any individual (subject to the requirements of § 405.2(b)) is entitled to request amendment of records pertaining to him or her pursuant to 5 USC 552a(d)(2). Such a request shall be made in writing and addressed to the Vice President—Administration, Export-Import Bank of the United States, 811 Vermont Avenue, NW, Room 1031, Washington, D.C. 20571.

(b) The request should specify the record and systems of records involved, and should specify the exact correction desired and state that the request is made pursuant to the Privacy Act. An edited copy of the record showing the desired correction should be submitted, if possible. Within 10 working days of the receipt of a properly addressed request (or within 10 working days of the time the Vice President—Administration becomes aware that a particular communication not addressed as prescribed above is a request for correction of a record under the Privacy Act), the Vice President—Administration shall acknowledge receipt of the request.

(c) The Vice President—Administration upon the receipt of such a request shall promptly confer with the officer responsible for the record. In the event it is felt that correction is not warranted in whole or in part, the matter shall be brought to the attention of the General Counsel of Eximbank. If, after review by the General Counsel and discussion with the requester, if deemed helpful, it is determined that correction as requested is not warranted, a letter shall be sent by the Vice President—Administration to the requester denying his or her request and/or explaining what correction might be made if agreeable to the requester. This letter shall set forth the reasons for the refusal to honor the request for correction. It shall also inform him or her of his or her right to appeal this decision, and include a description of the appeals procedure set forth in paragraph (d) of this section.

(d) An appeal may be taken from an adverse determination under paragraph (c) of this section to the President and Chairman or his designee. Such appeal must be made in writing and should clearly indicate that it is an appeal. The basis for the appeal should be set forth in the letter, and it should be mailed to the same address as listed in paragraph (a) of this section. A hearing at Eximbank may be requested. Such hearing will be informal, and shall be before the President and Chairman or his designee. Where no hearing is requested, the President and Chairman or his designee shall render his decision within thirty working days after receipt of the written appeal at Eximbank, unless the President and Chairman, for good cause shown, extends the 30-day period, and the appellant is advised in writing of such extension. If a hearing is requested, then Eximbank will attempt to contact the appellant within five working days and arrange a suitable time for the hearing. In such cases the decision of the President and Chairman or his designee shall be made within 30 working days after the hearing, unless the time is extended, as above provided, and the appellant is advised in writing of such extension.

(e) The final decision of the President and Chairman or his designee in an appeal shall be in writing and the appellant shall be informed of the decision; if it is adverse to the appellant, the appellant shall be informed of the reasons for the refusal to amend the record and advised of his or her right to appeal the decision under 5 U.S.C. 552a(g)(1). The individual shall also be notified that he or she has the right to file with Eximbank a concise statement setting forth the reasons for his or her disagreement with the refusal of Eximbank to amend his or her record. Eximbank shall promptly inform any person or other agency about the correction of any record previously disclosed to that person or other agency (provided that an accounting of said disclosures was made). Eximbank shall,

with respect to all prior disclosures and in any disclosure of a record made after the filing of a disagreement statement by the requesting individual, clearly note any portion of the record which is disputed and provide said recipient with copies of said statement, plus, at the agency's discretion, copies of a concise statement of the reasons for its decision not to make any corrections.

(f) Assistance in preparing a request to amend a record or in appealing an adverse determination on such a request may be obtained from the Office of the General Counsel of Eximbank.

[41 FR 19299, May 12, 1976, as amended at 43 FR 57864, Dec. 11, 1978]

§ 405.5 Disclosure of records pertaining to individuals to agencies or to individuals other than the individual to whom said records pertain.

Records subject to the Privacy Act that are requested by any individual other than the individual to whom they pertain (or as provided by § 405.2(b)) will not be made available except under the following circumstances:

(a) Records required to be made available by the Freedom of Information Act will be released in response to a request formulated in accordance with regulations found at 12 CFR Part 404.

(b) Records not required by the Freedom of Information Act to be released, may be released, at the discretion of Eximbank, if the written consent of the individual to whom they pertain has been obtained or if such release would be authorized under 5 U.S.C. 552a (b) (1) or (3)—(11).

(c) If an individual elects to inspect a record in person and desires to be accompanied by another person, the individual shall present to the Vice President—Administration a signed statement addressed to the Vice President—Administration by that individual authorizing his or her record to be disclosed to him or her in the presence of the accompanying named person.

FARM CREDIT ADMINISTRATION

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*Exempt

FCA-1

System name: General Personnel Records—FCA.

System location: Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578

Categories of individuals covered by the system: Current FCA employees

Categories of records in the system: Official Personnel Folder and employee service record card which contains a summary of all personnel actions and pay change actions during employment of the individual in FCA.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To furnish information (name, permanent or temporary status, how long employed, position, grade, salary) to other Government agencies, commercial or credit organizations, or verification of employment to prospective employers or personnel directors of Farm Credit Banks.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Employee service record cards are maintained in a Kardex binder. Official Personnel Folders are maintained in file folders.

Retrievability: Cards and Folders are arranged alphabetically by name.

Safeguards: Cards and Folders are kept in lockable cabinets.

Retention and disposal: Employee service record cards are retained for the life of the record. Official Personnel Folders are sent to the National Personnel Records Center within 30 days of the date of the employee's separation from the Federal service.

System manager(s) and address: Director, Personnel Division, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578; Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Notification procedure: All inquiries about this system of records shall be directed to the Director, Administrative Division at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

FCA-2

System name: Former Employee Records—FCA.

System location: Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Categories of individuals covered by the system: Former FCA employees.

Categories of records in the system: Employee service record cards containing a summary of all personnel actions and pay change actions during FCA employment; period and disposition of Official Personnel Folder. Photocopies of retirement records. Cards showing name, date of birth, social security number, and disposition of Official Personnel Folder of separated employees.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To furnish certain information (name, permanent or temporary status, how long employed, position, grade, salary) to other Government agencies, commercial or credit organizations, verification of employment to former employees, prospective employers or personnel directors of Farm Credit Banks.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cards are maintained in a Kardex binder and in a cabinet. Photocopies of retirement records are stored in a lockable shelf cabinet.

Retrievability: Cards and photocopies are arranged alphabetically by name.

Safeguards: Records are kept in an area locked after business hours and are maintained only by FCA files employees.

Retention and disposal: Life of the record.

System manager(s) and address: Director, Personnel Division, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division at the above address as provided in 12 CFR 603.330.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

FCA—3

System name: Upward Mobility Skills Survey—FCA.

System location: Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Categories of individuals covered by the system: FCA employees at GS-9 level and below or equivalent.

Categories of records in the system: Records consist of personal history, interests and traits, education and work experience.

Authority for maintenance of the system: 12 U.S.C. 1981 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used for career counseling, merit promotion, manpower utilization, and upward mobility.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are arranged alphabetically by name.

Safeguards: Records are kept in locked file except when used by Upward Mobility Coordinator and/or Upward Mobility Selection Panel.

Retention and disposal: Records are retained until employee leaves FCA and then destroyed.

System manager(s) and address: Upward Mobility Coordinator, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: Information in this system of records is completed on a voluntary basis by the individual to whom it applies.

FCA—4

System name: Group Accident Insurance Records—FCA.

System location: Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Categories of records in the system: Records consist of listings of persons who elect to participate in program and the amount of coverage selected.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used by agency officials to ascertain coverage, to notify carrier of participants, and to provide information to the individual.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Alphabetical listing by name.

Safeguards: Records are located in lockable file cabinets. Records are retained until program is discontinued.

System manager(s) and address: Director, Personnel Division, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: The individual to whom the record pertains.

FCA—5

System name: Employee Reports of Financial Interests and Employment—FCA.

System location: Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Categories of individuals covered by the system: FCA employees.

Categories of records in the system: "Confidential Statement of Employment and Financial Interests" required of certain employees.

Contains statement of financial interests of the employee and of members of his immediate household as well as any other employment of the FCA employee.

Authority for maintenance of the system: E.O. 11222

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Uses by authorized FCA personnel for ascertaining conflicts or apparent conflicts of interest and recommending or taking appropriate action.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are maintained alphabetically by name.

Safeguards: Records are kept in a closed safe with combination lock except when being used by authorized personnel who are instructed as to their confidentiality and permitted use.

Retention and disposal: Maintained by FCA until the employee leaves the agency and then destroyed.

System manager(s) and address: Director, Personnel Division, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: Employee filing the report.

FCA—6

System name: Farm Credit Bank Personnel Records—FCA.

System location: Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Categories of individuals covered by the system: Current employees of the Farm Credit banks who occupy senior officer positions; and former employees of such banks who occupied senior officer positions and have terminated employment within last five years.

Categories of records in the system: This system consists of copies of various records relating to personnel actions and determinations made concerning individuals occupying senior officer positions in the Farm Credit banks. The Personnel Folder contains information about the individual including date of birth, past and present salaries, position titles, personnel action forms which document actions, including but not limited to, appointment, reassignment, promotion, pay changes, separation, correspondence and justifications for salary increases, biographical data and awards. The service record card con-

tains a chronology of the personnel actions taken, and also includes identifying data including name, date of birth, address and previous employment history.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used:

(a) by agency officials for purposes of review in connection with appointments, promotions, pay changes and other determinations requiring FCA concurrence;

(b) to provide information to Farm Credit bank directors of personnel on length of service;

(c) to provide information for agency use in preparation of statistical reports;

(d) as a data source for management information in responding to inquiries or developing statistical data for other Federal agencies.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, Kardex binders, and index file drawers.

Retrievability: Records are indexed by combination of name and date of birth.

Safeguards: Records are located in lockable metal file cabinets.

Retention and disposal: After termination, the personnel folder is retained for one year beyond separation date and then destroyed. The service record card is retained for the life of the record.

System manager(s) and address: Director, Personnel Division, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by directors of personnel of the Farm Credit banks.

FCA—7

System name: Employee Attendance, Leave, and Payroll Records—FCA.

System location: Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Categories of individuals covered by the system: FCA employees.

Categories of records in the system: Records consist of manual files containing payroll-related information for FCA employees which consists of various forms containing on a biweekly, year-to-date, and in some cases an annual basis, payroll and leave data for each employee including rate and amount of pay, hours worked, tax and retirement deductions, life insurance and health insurance deductions, savings allotments, savings bond and charity deductions, other financial deductions, mailing addresses, and home addresses.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to prepare payroll and to meet Government payroll recordkeeping and reporting requirements, and for retrieving and supplying payroll and leave information as required for agency needs.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Information in this record system may be disclosed as a routine use to Federal, State and local taxing authorities concerning compensation to employees or contractors for personal services; to the Civil Service Commission, Department of the Treasury, Department of Labor and other Federal agencies concerning pay, benefits, and retirement of employees; to Federal employees health benefits carriers concerning health insurance of employees; to financial organizations concerning employee savings account allotments and net pay to checking accounts; to State human resource offices administering unemployment compensation programs; to educational and training organizations concerning employee qualifications and identity for specific courses; and to heirs, executors and legal representatives of beneficiaries.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in file folders; on pay cards, retirement cards, and leave cards.

Retrievability: Records are filed alphabetically by name.

Safeguards: Files are kept in areas which are locked after business hours and are maintained only by authorized FCA personnel.

Retention and disposal: In accordance with GSA requirements for financial and payroll-related records.

System manager(s) and address: Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: Individual on whom the record is maintained. FCA employees who approve records.

FCA—8

System name: Employee Travel and Vendor Voucher Files—FCA.

System location: Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Categories of individuals covered by the system: FCA employees and other individuals who provide products and services to FCA.

Categories of records in the system: Records consist of travel vouchers, vendor vouchers, and supporting documentation.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to provide records of reimbursement to employees for expense incurred while in official travel status and to provide reimbursement to other individuals for products and/or services received.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Travel vouchers are filed in individual folders for each employee; vendor vouchers are filed in folders.

Retrievability: Records are filed alphabetically by name.

Safeguards: Files are kept in areas which are locked after business hours and are maintained by authorized FCA personnel.

Retention and disposal: In accordance with GSA requirements for financial records.

System manager(s) and address: Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division at the above address as provided in 12 CFR 603.330.

Record source categories: FCA employees and other individuals executing records. FCA employees auditing and approving vouchers.

FCA—9

System name: Financial Management Records—FCA.

System location: Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Categories of individuals covered by the system: FCA employees and individuals conducting business with FCA.

Categories of records in the system: Records supporting the FCA financial management system, including employee travel advance records, records of budget formulation and execution, for FCA administrative expenses, and other financial records.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records serve as the source for collecting and recapping financial data to provide control of collection and disbursement of revenues and reports necessary for management and other Government agencies.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and binders stored in file cabinets.

Retrievability: Records are filed alphabetically by name where appropriate.

Safeguards: Files are kept in file cabinets in areas which are locked after business hours.

Retention and disposal: In accordance with GSA requirements for financial records.

System manager(s) and address: Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: FCA employees and other individuals doing business with FCA.

FCA-10

System name: Property Accountability Records—FCA.

System location: Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Categories of individuals covered by the system: FCA employees.

Categories of records in the system: The form executed by each employee to whom accountable property is issued for official use, containing the employee's name, serial number, and description of the property charged to him.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252; 40 U.S.C. 471 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Property accountability records are used by FCA to maintain control of accountable property.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper forms filed in storage cabinet.

Retrievability: Records maintained in alphabetical order by employee name.

Safeguards: Records are maintained in an area which is locked after business hours.

Retention and disposal: Forms are maintained until the property is returned.

System manager(s) and address: Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: Individuals to whom property is issued.

FCA-11

System name: Procurement Records—FCA.

System location: Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Categories of individuals covered by the system: Individuals who provide or may provide supplies or services to FCA by contract or purchase order.

Categories of records in the system: Bids, offers, lease agreements, purchase orders, and requisitions as related to purchase transactions.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252; 40 U.S.C. 471 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Procurement records and files are used by FCA as the bases for maintaining control of purchase transactions and to provide a minimum of opportunity for fraud as well as the maximum feasible opportunity for audit as related to the purchase of supplies and services obtained.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are maintained in numerical order by purchase order number in file folders bearing the name of the vendor.

Safeguards: Records are maintained in an area which is locked after business hours.

Retention and disposal: Each record is retained for five years for reference purposes and then destroyed.

System manager(s) and address: Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: Individuals who make bids or offers to FCA or enter into lease or other agreements with FCA. FCA employees who prepare requisitions and purchase orders.

FCA-12

System name: Biographical Files—FCA.

System location: Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Categories of individuals covered by the system: FCA employees, members of the Federal Farm Credit Board, Farm Credit district directors.

Categories of records in the system: Biographical sketches and photographs.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Distribution to Farm Credit institutions or the public in connection with Farm Credit elections, public appearances, conferences, and on request by the public.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are arranged alphabetically by name.

Safeguards: Records are maintained in an area locked after business hours.

Retention and disposal: Records are destroyed on separation or retirement.

System manager(s) and address: Director, Information Division, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578; Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: Individual on whom the record is maintained.

FCA-13

System name: Public Information Requests File—FCA.

System location: Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Categories of individuals covered by the system: Members of the public.

Categories of records in the system: Incoming letters and copies of outgoing correspondence.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Response to requests and reference by FCA employees in answering successive requests.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Letters are stored in file folders.

Retrievability: Letters are filed alphabetically by requester name.

Safeguards: Letters are maintained in cabinets in an area which is locked after business hours.

Retention and disposal: Letters are retained one year and then destroyed.

System manager(s) and address: Director, Information Division, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of

Administration, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: Individuals making public information requests and FCA employees.

FCA-14

System name: Freedom of Information Requests—FCA.

System location: Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Categories of individuals covered by the system: Individuals whose requests for records fall within the scope of the Freedom of Information Act.

Categories of records in the system: Letter requests, copies of responses, and request log.

Authority for maintenance of the system: 5 U.S.C. 552

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used for reference and reports are prepared for the Freedom of Information Act Committee, the Department of Justice, and the Office of Management and Budget.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper in notebook binders.

Retrievability: Records are arranged alphabetically by name.

Safeguards: Records are maintained in a lockable cabinet.

Retention and disposal: Life of the record.

System manager(s) and address: Director, Information Division, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: Requester and FCA employees.

FCA-15

System name: Congressional Correspondence File—FCA.

System location: Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Categories of individuals covered by the system: U.S. Senators and Representatives.

Categories of records in the system: Copies of letters written by FCA employees to U.S. Senators and Representatives.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by FCA employees for reference to other files.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Letters are stored in file folders.

Retrievability: File folders are arranged alphabetically by name.

Safeguards: Files are kept in cabinets in an area which is locked after business hours and are maintained only by FCA files personnel.

Retention and disposal: In accordance with GSA requirements.

System manager(s) and address: Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: FCA employees.

FCA-16

System name: Federal Land Bank Loans—FCA.

System location: Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Categories of individuals covered by the system: Member-borrowers whose loan applications exceed the prior-approval limits set by FCA for each bank. Member-borrowers whose loan applications and approvals are submitted under the post-review requirements set by FCA for each bank. Member-borrowers whose loans fall within the category of loan approval requirements stipulated by FCA regulation—Loan Policies and Operations, 12 CFR Part 614, Subpart N, 4450. Individuals or member-borrowers who have communicated to a Member of Congress or any Government agency in which FCA has responded to the Congressman or directly to the individual or member-borrower.

Categories of records in the system: Loan documents including name, address, loan application, type and purpose of loan, financial information submitted by the individual, analysis of financial information, security and loan agreement papers, correspondence between bank, association and FCA, loan analysis recommendation, field report and/or appraisal, tax return records if submitted by the individual, other related loan and analysis support information, Congressional and complaint letters and FCA response copies.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: FCA staff uses records as a basis for decision on approval or denial of loans and/or change in status of loans, to monitor bank's capabilities in credit extension, and to maintain awareness and monitor sensitive loans.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are arranged by district, association, and name.

Safeguards: Records are maintained in an area locked after business hours.

Retention and disposal: Records are retained for five years and then destroyed.

System manager(s) and address: Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Requests for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: The individual member-borrower, bank and association employees, FCA employees, Congressmen, and individual complainants.

Systems exempted from certain provisions of the act: This system is subjected to a specific exemption pursuant to 5 U.S.C. 552a (k)(2) to the extent that there is included in the system investigatory material compiled for law enforcement purposes.

FCA-17

System name: Production Credit Association Loans—FCA.

System location: Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Categories of individuals covered by the system: Member-borrowers whose loan applications exceed the prior-approval limits set by FCA for each bank. Member-borrowers whose loan applications and approvals are submitted under the post-review requirements set by FCA for each bank. Member-borrowers whose loans fall within the category of loan approval requirements stipulated by FCA regulation—Loan Policies and Operations, 12 CFR Part 614, Subpart N, 4450. Individuals or member-borrowers who have communicated to a Member of Congress or any Government agency in which FCA has responded to the Congressman or directly to the individual or member-borrower.

Categories of records in the system: Loan documents including name, address, loan application, type and purpose of loan, financial information, security and loan agreement papers, correspondence between bank, association and FCA, loan analysis recommendation, field report and/or appraisal, tax return records if submitted by the

individual, other related loan and analysis support information. Congressional and complaint letters and FCA response copies.

Authority for maintenance of the system: 12 U.S.C. 2249, 2252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: FCA staff uses records as a basis for decision on approval or denial of loans and/or change in status of loans, to monitor bank's capabilities in credit extension, and to maintain awareness and monitor sensitive loans.

In the event that information in this record system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event that information in this record system is needed in the course of presenting evidence to a court, magistrate, or administrative tribunal, the relevant records may be referred, as a routine use, to the appropriate person to use as evidence.

Information in this record system may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision concerning the hiring or retention of an employee, the letting of a contract, or the issuance of a grant or other benefit.

Information in this record system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are arranged by district, association and name.

Safeguards: Records are maintained in an area locked after business hours.

Retention and disposal: Records are retained for five years and then destroyed.

System manager(s) and address: Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Notification procedure: All inquiries about this system of records shall be addressed to: Director, Administrative Division, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, SW, Washington, D.C. 20578.

Record access procedures: Requests for access to a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.310.

Contesting record procedures: Request for amendments of a record shall be directed to the Director, Administrative Division, at the above address as provided in 12 CFR 603.330.

Record source categories: The individual member-borrower, bank and association employees, FCA employees, Congressmen, and individual complainants.

Systems exempted from certain provisions of the act: This system is subjected to a specific exemption pursuant to 5 U.S.C. 552a(k)(2), to the extent there is included in the system investigatory material compiled for law enforcement purposes.

Title 12-Banks and Banking

Chapter VI-Farm Credit Administration

PART 603—PRIVACY ACT REGULATIONS

Sec.

- 603.300 Purpose and scope.
- 603.305 Definitions.
- 603.310 Procedures for requests pertaining to individual records in a record system.
- 603.315 Times, places, and requirements for identification of individuals making requests.
- 603.320 Disclosure of requested information to individuals.
- 603.325 Special procedures for medical records.
- 603.330 Request for amendment to record.
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- 603.340 Appeal of an initial adverse determination of a request to amend a record.
- 603.345 Fees for providing copies of records.
- 603.350 Criminal penalties.
- 603.355 Specific exemptions.

Authority: 12 U.S.C. 2243, 2252.

Source: 40 FR 40454, Sept. 2, 1975, unless otherwise noted.

§ 603.300 Purpose and scope.

(a) This part is published by the Farm Credit Administration pursuant to the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a) which requires each Federal agency to promulgate rules to establish procedures for notification and disclosure to an individual of agency records pertaining to him, and for review of such records.

(b) The records covered by this part include:

(1) Personnel and employment records maintained by the Farm Credit Administration which are not covered by §§ 293.101-293.111 of the regulations of the Office of Personnel Management (5 CFR 293.101-293.111), and

(2) Other records contained in record systems maintained by the Farm Credit Administration.

[40 FR 40454, Sept. 2, 1975, as amended by 51 FR 41941, Nov. 20, 1986]

§ 603.305 Definitions.

For the purposes of this part:

(a) "Agency" means the Farm Credit Administration.

(b) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(c) "Maintain" includes maintain, collect, use, or disseminate;

(d) "Record" means any item, collection, or grouping of information about an individual that is maintained by an agency including, but not limited to, that person's education, financial transactions, medical history, and

criminal or employment history, and that contains that person's name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or photograph;

(e) "Routine use" means, with respect to the disclosure of a record, the use of such record for a purpose that is compatible with the purpose for which it was collected;

(f) "Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by 13 U.S.C. 8;

(g) "System of records" means a group of any records under the control of any agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

[51 FR 41941, Nov. 20, 1986]

§ 603.310 Procedures for requests pertaining to individual records in a record system.

(a) Any present or former employee of the Farm Credit Administration seeking access to that person's official civil service records maintained by the Farm Credit Administration shall submit a request in such manner as is prescribed by the Office of Personnel Management.

(b) Individual shall submit their requests in writing to the Privacy Act Officer, Office of Congressional and Public Affairs, Farm Credit Administration, McLean, Virginia 22102-5090, when seeking to obtain from the Farm Credit Administration:

(1) Notification whether the agency maintains a record pertaining to that person in a system of records;

(2) Notification whether the agency has disclosed a record for which an accounting of disclosure is required to be maintained and made available to that person;

(3) A copy of a record pertaining to that person or the accounting of its disclosure; or

(4) The review of a record pertaining to that person or the accounting of its disclosure. The request shall state the full name and address of the individual, and identify the system or systems of records believed to contain the information or record sought.

[51 FR 41941, Nov. 20, 1986]

§ 603.315 Times, places, and requirements for identification of individuals making requests.

The individual making written requests for information or records

ordinarily will not be required to verify that person's identity. The signature upon such requests shall be deemed to be a certification by the requester that he or she is the individual to whom the record pertains, or the parent of a minor, or the duly appointed legal guardian of the individual to whom the record pertains. The Privacy Act Officer, however, may require such additional verification of identity in any instance in which the Privacy Act Officer deems it advisable.

[51 FR 41941, Nov. 20, 1986]

§ 603.320 Disclosure of requested information to individuals.

(a) The Privacy Act shall, within a reasonable period of time after the date of receipt of a request for information or records:

(1) Determine whether or not such request shall be granted,

(2) Notify the requester of the determination and, if the request is denied, of the reasons therefor, and

(3) Notify the requester that fees for reproducing copies of records may be charged as provided in § 603.345.

(b) If access to a record is denied because the information therein has been compiled by the Farm Credit Administration in reasonable anticipation of a civil or criminal action proceeding the Privacy Act shall notify the requester of that person's right to judicial appeal under 5 U.S.C. 552a(g).

(c) (1) If access to a record is granted the requester shall notify the Officer whether the requested record is to be copied and mailed to the requester or whether the record is to be made available for personal inspection.

(2) A requester who is an individual may be accompanied by an individual selected by the requester when the record is disclosed, in which case the requester may be required to furnish a written statement authorizing the discussion of the record in the presence of the accompanying person.

(d) If the record is to be made available for personal inspection, the requester shall arrange with the Privacy Act Officer a mutually agreeable time in the offices of the Farm Credit Administration for inspection of the record.

§ 603.325 Special procedures for medical records.

Medical records in the custody of the Farm Credit Administration which are not subject to Office of Personnel Management regulations shall be disclosed either to the individual to whom they pertain or his authorized or

legal representative or to a licensed physician named by the individual.

[51 FR 41942, Nov. 20, 1986]

§ 603.330 Request for amendment to record.

(a) If, after disclosure of the requested information, an individual believes that the record is not accurate, relevant, timely, or complete, that person may request in writing that the record be amended. Such a request shall be submitted to the Privacy Act Officer and shall contain identification of the system of records and the record or information therein, a brief description of the material requested to be changed, the requested change or changes, and the reason for such change or changes.

(b) The Privacy Act Officer shall acknowledge receipt of the request within 10 days (excluding Saturdays, Sundays, and legal holidays) and, if a determination has not been made, advise the individual when that person may expect to be advised of action taken on the request. The acknowledgment may contain a request for additional information needed to make a determination.

[51 FR 41942, Nov. 20, 1986]

§ 603.335 Agency review of request for amendment of record.

Upon receipt of a request for amendment of a record, the Privacy Act Officer shall:

(a) Correct any portion of a record which the individual making the request believes is not accurate, relevant, timely, or complete and thereafter inform the individual in writing of such correction, or

(b) Inform the individual in writing of refusal to amend the record and of the reasons therefor, and advise him that he

may appeal such determination as provided in § 603.340 of this part.

[40 FR 40454, Sept. 2, 1975, as amended at 51 FR 41942, Nov. 20, 1986]

§ 603.340 Appeal of an initial adverse determination of a request to amend a record.

(a) Not more than 10 days (excluding Saturdays, Sundays, and legal holidays) after receipt by an individual of an adverse determination on his request to amend a record or otherwise, the individual may appeal to the Director, Office of Administration.

(b) The appeal shall be by letter, mailed or delivered to the Director, Office of Administration, Farm Credit Administration, McLean, Virginia 22102-5090. The letter shall identify the records involved in the same manner they were identified to the Privacy Act Officer, shall specify the dates of the request and adverse determination, and shall indicate the expressed basis for that determination. Also, the letter shall state briefly and succinctly the reasons why the adverse determination should be reversed.

(c) The review shall be completed and a final determination made by the Director not later than 30 days (excluding Saturdays, Sundays, and legal holidays) from receipt of the request for such review, unless the Deputy Governor extends such 30-day period for good cause. If the 30-day period is extended the individual shall be notified of the reasons therefor.

(d) If the Director refuses to amend the record in accordance with the request, the individual shall be notified of the right to file a concise statement setting forth that person's disagreement with the final determination and that person's right under 5 U.S.C.

552a(g)(1)(A) to a judicial review of the final determination.

(e) If an amendment of a record as requested upon review is refused, there shall be included in the disputed portion of the record a copy of the concise statement filed by the individual together with a concise statement of the reasons for not amending the record as requested. Such statements will be included when disclosure of the disputed record is made to persons and agencies as authorized under 5 U.S.C. 552a.

[40 FR 40454, Sept. 2, 1975, as amended at 51 FR 41942, Nov. 20, 1986]

§ 603.345 Fees for providing copies of records.

Fees for providing copies of records shall be charged in accordance with § 602.265 of this chapter.

§ 603.350 Criminal penalties.

Section 552a (f) (3) of the Privacy Act (5 U.S.C. 552a (i) (3)) makes it a misdemeanor, subject to a maximum fine of \$5,000, to knowingly and willfully request or obtain any record concerning any individual from an agency under false pretenses. Sections 552a (i) (1) and (2) of the Act (5 U.S.C. 552a (i) (1), (2)) provide penalties for violation by agency employees of the Act or regulations established thereunder.

§ 603.355 Specific exemptions.

Pursuant to 5 U.S.C. 552a (k) (2), investigatory material compiled for law enforcement purposes in the following systems of records is exempt from subsections (c) (3), (d), (e) (1), (e) (4) (G), (H), and (I), and (f) of 5 U.S.C. 552a and from the provisions of this part:

Federal Land Bank Loans—FCA.
Production Credit Association Loans—FCA.

CHAPTER XIII—FARM CREDIT SYSTEM ASSISTANCE BOARD

12 CFR PART 1300—DISCLOSURE OF RECORDS: FREEDOM OF INFORMATION ACT AND PRIVACY ACT

Subpart B—Protection of Privacy and Access to Individual Records Under the Privacy Act of 1974

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- 1300.24 Request for accounting of record disclosures.
- 1300.25 Notice of disclosure under compulsory legal process and emergencies.
- 1300.26 Employee standards of conduct.
- 1300.27 Other rights and services.

Authority: 5 U.S.C. 552a, 12 U.S.C. 2278a-10.

Source: 54 FR 34487, Aug. 21, 1989.

Subpart B—Protection of Privacy and Access to Individual Records Under the Privacy Act of 1974

§ 1300.9 General.

(a) This subpart contains regulations of the Farm Credit System Assistance Board implementing the Privacy Act of 1974 ("Privacy Act") 5 U.S.C. 552a. The regulations apply to all records maintained by the Farm Credit System Assistance Board and which are retrieved by an individual's name or personal identifier. These regulations do not relate to those personnel records of Government employees which are under the jurisdiction of the Office of Personnel Management (OPM) to the extent such records are subject to regulations issued by OPM. These regulations also do not relate to those personnel records of Government employees which are under the jurisdiction of the Department of Agriculture to the extent such records are subject to regulations issued by the Department of Agriculture. These

regulations set forth the procedures by which an individual may request notification of whether the Assistance Board maintains a record pertaining to that individual, may seek access under the Privacy Act to records pertaining to the individual, may request correction of such records or may seek an accounting of disclosures of such records by the Assistance Board.

(b) *Definitions.* As used in this subpart, the following terms shall have the following meanings:

- (1) "Agency" as defined in 5 U.S.C. 551 and 552.
- (2) "Assistance Board" means the Farm Credit System Assistance Board.
- (3) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.
- (4) "Maintain" includes maintain, collect, use, or disseminate.
- (5) "Record" means any item, collection, or grouping of information about an individual that is maintained by the Assistance Board within a system of records and which contains the individual's name, identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.
- (6) "Request for access" means a request made pursuant to 5 U.S.C. 552a.
- (7) "Request for correction" means a request made pursuant to 5 U.S.C. 552a.
- (8) "Request for accounting" means a request made pursuant to 5 U.S.C. 552a.
- (9) "Request for notification" means a request made pursuant to 5 U.S.C. 552a.
- (10) "Requester" means an individual who makes either a request for notification, a request for access, a request for correction, or a request for an accounting.

(11) "System of records" means a group of any records under the control of the Assistance Board from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

(12) "Privacy Act Appeals Officer" means the Assistance Board employee designated by the Assistance Board as the Privacy Act Appeals Officer.

(13) "Exemptions" means those matters to which the provisions of 5 U.S.C. 552a do not apply.

(c) Request and appeals submitted under this subpart will be processed and responded to in accordance with the time limits and exemptions set forth in the Privacy Act and this subpart, unless there are exceptional circumstances as provided in 5 U.S.C. 552a. The Assistance Board will notify a requester whenever it is unable to process or respond to the request or appeal within the time limits established by the

Privacy Act and this subpart. Requests and appeals will be processed and responded to in their approximate order of receipt, to the extent consistent with sound administrative practice.

§ 1300.10 Exclusions.

(a) Pursuant to 12 U.S.C. 2278a-10, regulations, policies, procedures, guidelines or statements issued by the Assistance Board and records (as defined in Subpart A of this Part) related to their promulgation or enforcement are not subject to the Privacy Act and, therefore, are not included within or covered by these implementing regulations.

(b) Pursuant to 12 U.S.C. 2278a-10, the Assistance Board does not publish its system of records.

§ 1300.11 Records in exempt systems of records.

The following records are exempt from the Assistance Board's system of records pursuant to 5 U.S.C. 552a to the extent provided in this section:

(a) Records subject to the provisions of 5 U.S.C. 552 (b)(1).

(b) Investigatory material compiled for law enforcement purposes. However, before denying a request by an individual for a law enforcement record which has been exempted pursuant to 5 U.S.C. 552a, the Assistance Board will review the requested record to determine whether information in the record has been used or is being used to deny the individual any right, privilege, or benefit for which the requester is eligible or to which the requester would otherwise be entitled under federal law. If so, the Assistance Board will notify the requester of the existence of the record and disclose such information to the requester, except to the extent that the information would identify a confidential source. In cases where disclosure of information in a law enforcement record could reasonably be expected to identify a confidential source, the record will not be disclosed to the requester unless the Assistance Board is able to delete from such information all material which would identify the confidential source.

(c) Records required by statute to be maintained and used solely as statistical records;

(d) Investigatory material compiled solely for the purpose of determining suitability, eligibility or qualifications for Federal civilian employment, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would identify a confidential source; and

(e) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

§ 1300.12 Requests for notification of whether records exist.

(a) *How made and addressed.* A request for notification of whether records in the possession of the Assistance Board exist about that individual is to be made in writing, signed by the requester and addressed to the Assistance Board, 1301 Pennsylvania Avenue NW., Suite 702, Washington, DC 20004. Both the envelope and the request must be clearly marked: "Privacy Act Notification Request."

(b) *Reasonable description of records.* A request for notification of whether records exist must describe the records for which notification of existence is sought in sufficient detail to enable Assistance Board personnel to locate the system of records which should contain any existing record with a reasonable amount of effort. Whenever possible, a request for notification should describe the nature of the record for which notification of existence is sought and the time period during which the requester believes any existing record would have been compiled.

(c) *Response address.* A request must set forth the address where the requester wants to be notified about whether the record exists or whether the request will be granted or denied.

(d) *Verification of identity.* Any individual who submits a written request for notification of the existence of records must verify the requester's identity one of the following ways:

(1) A requester must state in the request the requester's full name, current address, and date and place of birth. In addition, a requester must provide with the request an example of the requester's signature, which shall be notarized. In order to facilitate the identification and location of the requested records, a requester may also, at the requester's option, include in the request the requester's Social Security number.

(2) A requester may visit the Assistance Board in person with a written request and may provide to the Assistance Board a form of official photographic identification, such as a passport or an identification badge. If a requester is unable to produce a form of photographic identification, the requester may provide to the Assistance Board two or more acceptable forms of

identification (such as driver's license or credit card) bearing the requester's name and address.

(e) *Verification of parentage or guardianship.* The parent or guardian of a minor (or the guardian of a person judicially determined to be incompetent) who submits a request for notification of the existence of the records of the minor or incompetent must establish:

(1) The requester's own identity and the identity of the subject of the record, as required in paragraph (d) of this section;

(2) That the requester is the parent or guardian of the subject of the record, which may be established by providing a copy of the subject's birth certificate showing parentage or by providing a court order establishing the guardianship; and

(3) That the requester seeks to act on behalf of the subject of the record.

(f) *Date of receipt of request.* A request will be considered to have been received for purposes of this subpart on the date on which the requirements of this section have been satisfied.

§ 1300.13 Responses to requests for notification of the existence of records.

(a) *Granting a request.* If the Assistance Board makes a determination to grant a request in whole or in part, the Assistance Board will notify the requester in writing. The notice will include:

(1) The name of the person responsible for the decision;

(2) For each record for which notice of existence was sought, a statement as to whether the record exists.

(b) *Denial of a request.* When an individual requests notification as to whether a record exists concerning the requester which is for a record that has been exempted from notification requirements pursuant to 5 U.S.C. 552a (see § 1300.11) and the assertion of the exemption is deemed necessary, the Assistance Board will neither confirm nor deny the existence of the record but shall advise the requester only that no record subject to the notification of existence requirements of the Privacy Act has been identified. When the Assistance Board makes a determination to deny a request for notification, in whole or in part, the Assistance Board will so notify the requester in writing. The notice will include:

(1) The name of the person responsible for the denial;

(2) A brief statement for the reason or reasons for the denial, including the Privacy Act exemption or exemptions which the Assistance Board has relied upon in denying the request; and

(3) A statement that the denial may be appealed under § 1300.14 of this subpart and a description of the requirements of that section.

(c) *Record cannot be located or has been destroyed.* If the request seeking notice of the existence of records is for records that cannot be located from the information supplied, or are known or believed to have been destroyed or otherwise disposed of, the Assistance Board will so notify the requester in writing.

(d) *Medical records.* When an individual requests notice of the existence of medical records, including psychological records, pertaining to the requester which are not otherwise exempt from the notice requirements of the Privacy Act, the Assistance Board may advise the requester that notice of whether the records exist will be provided only to a physician, designated by the requester who requests notice of the existence of the records and establishes his or her identity in writing. The designated physician shall determine whether notice of the existence of records should be provided to the individual and the existence of which records should not be disclosed to the individual because of possible harm to the individual or another person.

§ 1300.14 Administrative appeals from denials of requests for notification of the existence of records.

(a) *In general.* When a request for notice of the existence of records has been denied in whole or in part, the requester may appeal the denial of the request to the Privacy Act Appeals Officer within 30 calendar days of the requester's receipt of a notice denying the request.

(b) *Form and content of notice of appeal.* A notice of appeal shall:

(1) Be made in writing and signed by the requester;

(2) Be addressed to the Privacy Act Appeals Officer, Assistance Board, 1301 Pennsylvania Avenue, NW., Suite 702, Washington, DC 20004. Both the envelope and the notice of appeal must be clearly marked: "Privacy Act Notice Appeal."

(3) Reasonably describe, in accordance with section 1300.12, the records subject to denial of the request for notification from which the appeal is being taken;

(4) Set forth the address where the requester desires to be notified of the determination on appeal;

(5) Specify the date of the initial request and the date of the letter denying the initial request; and

(6) State any supporting arguments for overturning the initial determination.

(c) *Date of receipt of appeal.* An appeal will be considered to have been received for purposes of this subpart when the requirements of this section have been satisfied.

(d) *Form of action on appeal.* (1) The disposition of an appeal will be in writing. A decision affirming in whole or in part the denial of a request will include:

(i) A brief statement of the reason or reasons for the affirmation, including the Privacy Act exemption or exemptions relied upon;

(ii) The name of the person responsible for the decision on appeal; and

(iii) A statement that judicial review of the denial is available in the U.S. District Court for the District of Columbia pursuant to 12 U.S.C. 2278a-3.

(2) If the denial of a request is reversed on appeal, the requester will be so notified in writing and the request will be processed promptly in accordance with the decision on appeal.

§ 1300.15 Request for access to records.

(a) *How made and addressed.* A request under this subpart by an individual for access to a record in the possession of the Assistance Board about that individual is to be made in writing, signed by the requester and addressed to the Assistance Board at 1301 Pennsylvania Avenue, NW., Suite 702, Washington, DC 20004. Both the envelope and the request must be clearly marked: "Privacy Act Access Request."

(b) *Reasonable description of records.* A request for access to records must describe the records sought in sufficient detail to enable Assistance Board personnel to locate the system of records containing the record with a reasonable amount of effort. Whenever possible, a request for access should describe the nature of the record sought, the date of the record or the period in which the record was compiled, and the name or identifying number of the system of records in which the requester believes the record is kept.

(c) *Response address.* A request must set forth the address where the requester wants to be notified about whether or not the request will be granted.

(d) *Inspection or copy.* A request must state whether the requester wishes to inspect the records or desires to have a copy made and furnished without first inspecting them.

(e) *Exemptions.* The processes prescribed under this section do not apply to:

(1) systems of records exempted pursuant to § 1300.11 of this subpart;

(2) information compiled in reasonable anticipation of a civil action or proceeding; or

(3) information pertaining to an individual which is contained in, and inseparable from, another individual's record.

(f) *Agreement to pay fees.* The filing of a request for access to a record under this subpart shall be deemed to constitute an agreement to pay all applicable fees charged under § 1300.18 of this subpart up to \$25.00. When filing a request, a requester may specify a willingness to pay a greater amount, if applicable. If it is estimated that the applicable fees will be greater than \$25.00, the requester will be so advised and asked to agree to pay this amount, unless the requester has so indicated in the request for access.

(g) *Verification of identity.* Any individual who submits a written request for access to records must verify the requester's identity in the manner set forth in § 1300.12 of this subpart for verifying the identity of requesters seeking notification.

(h) *Verification of guardianship.* The parent or guardian of a minor (or the guardian of a person judicially determined to be incompetent) who submits a request for access to the records of the minor or incompetent must establish the requirements set forth in § 1300.12 of this subpart for verifying the parentage or guardianship of requesters seeking notification.

(i) *Date of receipt of request.* A request for access to records will be considered to have been received for purposes of this subpart on the later of the dates on which:

(1) The requirements of this section have been satisfied and, where applicable,

(2) The requester has agreed in writing to pay the fees due in accordance with § 1300.18 of this subpart if greater than \$25.00, or

(3) Payment in advance has been received from the requester, when required in accordance with § 1300.18 of this subpart.

§ 1300.16 Responses to requests for access to records.

(a) *In general.* Upon receipt of a request for access to records, the Assistance Board will determine whether another Government agency is better able to determine whether the record is exempt, to any extent, from access. If the Assistance Board determines that it is the agency best able to determine whether the record is exempt, to any extent, from access, then

the Assistance Board will respond to the request. If the Assistance Board determines that it is not the agency best able to determine whether or not the record is exempt from access, the Assistance Board will respond to the requester, after consulting with the agency best able to determine whether or not the record is exempt from access. Under ordinary circumstances, the agency that generated or originated a requested record shall be presumed to be the agency best able to determine whether or not the record is exempt from access.

(b) *Law enforcement information.* Whenever a request for access is made for a record containing information which relates to an investigation of a possible violation of criminal law or to a criminal law enforcement proceeding and which is generated or originated by another agency, the Assistance Board will consult with the other agency, as appropriate.

(c) *Classified information.* Whenever a request for access is made for a record containing information which has been classified, or which may be eligible for classification, by another agency under the provisions of Executive Order 12356 or any other Executive order concerning the classification of records, the Assistance Board will refer the responsibility for responding to the request to the agency that classified the information or should consider the information for classification. Whenever a record contains information that has been derivatively classified by the Assistance Board because it contains information classified by another agency, the Assistance Board will refer the responsibility for responding to the request to the agency that classified the underlying information; however, such referral will extend only to the information classified by the other agency.

(d) *Granting a request.* If the Assistance Board makes a determination to grant a request for access, in whole or in part, the Assistance Board will so notify the requester in writing. The notice will include:

(1) The name of the person responsible for the decision;

(2) A description of the manner in which access to the record will be granted; and

(3) A statement of any fees to be charged in accordance with § 1300.18 of this subpart.

(e) *Denial of a request for access.* If the Assistance Board makes a determination to deny a request for access, in whole or in part, the requester

will be so notified in writing. The notice will include:

(1) The name of the person responsible for the denial;

(2) A brief statement for the reason or reasons for the denial, including the Privacy Act exemption or exemptions relied upon; and

(3) A statement that the denial may be appealed under § 1300.19 of this subpart and a description of the requirements of that section.

(f) Segregable portions of records.

Access to portions of a record may be denied, leaving the remaining reasonably segregable portions subject to access. However, these portions will be made available to the requester only if the meaning is not distorted by deletion of the denied portions and when it reasonably can be assumed that a skillful and knowledgeable person could not reconstruct the deleted information (in addition to satisfaction of all other applicable requirements of this subpart). When access to a record is denied in whole, the response advising the requester of that determination will specifically state that it is not reasonable to segregate portions of the record for access.

(g) *Record cannot be located or has been destroyed.* If a requested record cannot be located or is known or believed to have been destroyed or otherwise disposed of, the Assistance Board will so notify the requester in writing.

(h) *Medical records.* When an individual requests medical records, including psychological records, pertaining to the requester which are not otherwise exempt from individual access, the Assistance Board may advise the requester that the records will be provided only to a physician, designated by the individual who requests the records and establishes his or her identity in writing. The designated physician shall determine which records should be provided to the requester and which records should not be disclosed to the requester because of possible harm to the individual or another person.

(i) *Records exempt, in whole or in part.* When an individual requests access to records concerning the individual which have been exempted from individual access pursuant to 5 U.S.C. 552a(j) or which have been compiled in reasonable anticipation of a civil action or proceedings in either a court or before an administrative tribunal and the assertion of the exemption is deemed necessary, the Assistance Board may neither confirm nor deny the existence of the record but may advise the individual only that no

record available to the individual pursuant to the Privacy Act has been identified.

§ 1300.17 Access to records.

(a) *Manner of access.* Where the determination to grant a request for access has been made, the Assistance Board will grant the requester access to the requested record either by:

(1) Providing the requester with a copy of the record; or

(2) Making the record available for inspection by the requester at a reasonable time and place. The Assistance Board will in either case charge the requester applicable fees in accordance with the provisions of § 1300.18 of this subpart. If the Assistance Board provides access to a record by making the record available for inspection by the requester, the manner of such inspection shall not unreasonably disrupt the operations of the Assistance Board.

(b) *Accompanying persons.* A requester appearing in person to review the requester's records may be accompanied by another individual of the requester's choosing. Both the requester and the accompanying person will be required to sign a form stating that the Assistance Board is authorized to disclose the record in the presence of both individuals.

§ 1300.18 Fees for access to records.

(a) *In general.* The Assistance Board will charge fees for the copying of records to afford access to individuals unless the Assistance Board, in its discretion, waives or reduces the fees for good cause shown. The Assistance Board will charge \$.15 per page. For materials other than paper copies, the Assistance Board may charge the direct costs, as defined in § 1300.7 of this part, for reproduction, but only if the requester has been notified of such costs before they are incurred. Fees will not be charged where they would amount, in aggregate, for one request or for a series of related requests, to less than \$4.50.

(b) *Inspection of documents.* Fees will be charged whenever the Assistance Board must make copies available to the requester for inspection.

(c) *Form of payment.* Requesters shall pay fees by check or money order made payable to the Assistance Board and indicate the request for which payment is made.

(d) *Advance payments.* (1) If the Assistance Board estimates that a total fee to be assessed under this section is likely to exceed \$25.00, the Assistance Board may require the requester to make an advance payment of an amount

up to the entire estimated fee before beginning to process the request.

(2) When a requester has previously failed to pay a records access fee within 30 calendar days of the date of billing, the Assistance Board may require the requester to pay the full amount owed, plus any applicable interest (as provided for in paragraph (e) of this section), and to make an advance payment of the full amount of any estimated fee before the Assistance Board begins to process a pending request from that requester.

(3) For requests other than those described in paragraphs (d) (1) and (2) of this section, the Assistance Board will not require the requester to make an advance payment, i.e., a payment made before work is commenced or continued on a request. Payment owed for work already completed is not an advance payment.

(e) *Charging interest.* The Assistance Board may assess interest charges on an unpaid bill starting on the 31st calendar day following the day on which the bill was sent to the requester. Once a fee payment has been received by the Assistance Board, even if not processed, the accrual of interest will be stayed. Interest charges will be assessed at the rate prescribed in 31 U.S.C. 3717 and will accrue from the date of the billing.

§ 1300.19 Administrative appeals from denials of access to records.

(a) *In general.* When a request for access to records has been denied in whole or in part, the requester may appeal the denial of the request to the Privacy Act Appeals Officer within 30 calendar days of the requester's receipt of a notice denying the request.

(b) *Form and content of notice of appeal.* A notice of appeal shall:

(1) Be made in writing and signed by the requester;

(2) Be addressed to the Privacy Act Appeals Officer, Assistance Board, 1301 Pennsylvania Avenue, Suite 702, Washington, DC 20004. Both the envelope and the notice of appeal must be clearly marked: "Privacy Act Appeal."

(3) Reasonably describe, in accordance with § 1300.15 of this subpart, the record subject to the denial of access to which an appeal is being taken;

(4) Set forth the address where the requester desires to be notified of the determination on appeal;

(5) Specify the date of the initial request and the date of the letter denying the initial request; and

(6) State any supporting arguments for overturning the initial determination.

(c) *Date of receipt of appeal.* An appeal will be considered to have been received for purposes of this subpart when the requirements of this section have been satisfied.

(d) *Form of action of appeals.* (1) The disposition of an appeal will be in writing. A decision affirming in whole or in part the denial of a request for access will include:

(i) A brief statement of the reason or reasons for the affirmance, including the Privacy Act exemption or exemptions relied upon;

(ii) The name of the person responsible for the decision on appeal; and

(iii) A statement that judicial review of the denial is available in the U.S. District Court for the District of Columbia pursuant to 12 U.S.C. 2278a-3.

(2) If the denial of a request for access is reversed on appeal, the requester will be so notified in writing and the request will be processed promptly in accordance with the decision on appeal.

§ 1300.20 Request for correction of records.

(a) *How made and addressed.* Unless a record is exempted from correction and amendment, (see §§ 1300.11 and 1300.22 of this subpart), an individual may submit a request for correction of a record pertaining to that individual. A request for correction must:

(1) Be made in writing and signed by the requester, who must be the individual about whom the record is maintained, or the duly authorized representative of such individual;

(2) Be addressed to the "Privacy Act Officer", Assistance Board, 1301 Pennsylvania Avenue, NW., Suite 702, Washington, DC 20004. Both the envelope and the request must be clearly marked "Privacy Act Correction Request"; and

(3) Identify the particular record in question, state the correction sought, and set forth the justification for the correction.

(b) *Reasonable description of records.* A request for correction of records must describe the records in sufficient detail to enable Assistance Board personnel to locate the system of records containing the record with a reasonable amount of effort. Whenever possible, a request for correction of records should describe the nature of the record involved, the date of the record or the period in which the record was compiled, and the name or identifying number of the system of records in which the requester believes the record is kept.

(c) *Response address.* A request must set forth the address where the requester wants to be notified about

whether or not the request will be granted.

(d) *Date of receipt of request.* A request for correction of records pertaining to an individual shall be deemed to have been received for purposes of this subpart when the requirements of this section have been satisfied.

(e) *Review of requests to correct records.* The Assistance Board will acknowledge receipt of the request in writing within 10 days (excluding Saturdays, Sundays, and legal holidays) and promptly thereafter notify the requester whether the request will be granted or denied in whole or in part.

§ 1300.21 Responses to requests for correction of records.

(a) *Granting request.* If the Assistance Board makes a determination to grant a request for correction in whole or in part, the Assistance Board will so notify the requester in writing and advise the requester of the right to obtain a copy of the corrected record, in releasable form, upon request.

(b) *Denial of request.* If the Assistance Board makes a determination to deny a request for correction in whole or in part, the Assistance Board will notify the requester in writing. The notice will state the reason or reasons for the denial and advise the requester of the right to appeal in accordance with § 1300.23 of this subpart.

§ 1300.22 Records not subject to correction.

In addition to the exempt records noted in § 1300.11 of this subpart, the following records are not subject to correction or amendment as provided in § 1300.20 of this subpart:

(a) Transcripts or written statements made under oath;

(b) Transcripts of grand jury proceedings, judicial or quasi-judicial proceedings which constitute the official record of such proceedings;

(c) Pre-sentence reports which are the property of the courts but are maintained in a system of records;

(d) Records pertaining to the determination, the collection and the payment of the Federal taxes;

(e) Records duly exempted from correction by notice published in the **Federal Register**; and

(f) Records compiled in reasonable anticipation of a civil action or proceeding.

§ 1300.23 Administrative appeals from determinations not to correct records.

(a) *In general.* When a request for correction has been denied in whole or in part, the requester may appeal the denial to the Assistance Board within 30

calendar days of the requester's receipt of the notice denying the request.

(b) *Form and content of notice of appeal.* The notice of appeal shall:

(1) Be made in writing and signed by the person to whom the record pertains, or the duly authorized representative of such individual;

(2) Be addressed to the Privacy Act Appeals Officer, Assistance Board, 1301 Pennsylvania Avenue, NW., Suite 702, Washington, DC 20004. Both the envelope and the notice of appeal must be clearly marked "Privacy Act Correction Appeal";

(3) Reasonably describe, in accordance with section 1300.20, the records sought to be corrected;

(4) Set forth the address where the requester desires to be notified of the determination on appeal;

(5) Specify the date of the initial request and the date of the letter giving notification that the request was denied; and

(6) State any supporting arguments for overturning the initial determination.

(c) *Date of receipt of appeal.* An appeal will be considered to have been received for purposes of this subpart when the requirements of this section have been satisfied. An appeal will be promptly stamped with the date of its receipt by the Assistance Board. The receipt of the appeal will be acknowledged within 10 days (excluding Saturdays, Sundays, and legal public holidays) from the date of receipt (unless the determination on appeal is dispatched in 10 days, in which case, no acknowledgement is required) by the Assistance Board and the requester will be advised of the date of receipt and when a response is due in accordance with this section.

(d) *Form of action on appeal—(1) In general.* The Assistance Board will complete the review and notify the requester of the Assistance Board's final decision within 30 days (excluding Saturdays, Sundays and legal public holidays) after the date of receipt of such appeal, unless the time is extended for good cause shown.

(2) *Affirming the denial of a request.* If the denial of a request is affirmed on appeal, the requester will be so notified in writing and advised of:

(i) The reason or reasons the denial has been affirmed;

(ii) The requester's right to file a Statement of Disagreement, as provided in paragraph (e) of this section; and

(iii) The requester's right to obtain judicial review of the denial in the U.S. District Court for the District of Columbia in accordance with 12 U.S.C. 2278a-3.

(3) *Reversing the denial of a request.* If the denial is reversed on appeal, the requester will be so notified in writing and the requested correction made.

(e) *Statements of disagreement.* (1) A requester whose appeal under this section is denied shall have the right to file a Statement of Disagreement with the Assistance Board, 1301 Pennsylvania Avenue, NW., Suite 702, Washington, DC 20004, within 30 calendar days of receiving the notice of denial of the requester's appeal.

(2) Statements of Disagreement are to be concise and set forth the reasons for the requester's disagreement with the decision.

(3) Upon receipt of a Statement of Disagreement, the Statement will be included in the system of records in which the disputed record is maintained and the disputed record shall be marked so as to indicate (i) that a Statement of Disagreement has been filed, and (ii) where in the system of records the Statement may be found. The Assistance Board may include a concise statement of the Assistance Board's reasons for not making the requested corrections.

§ 1300.24 Request for accounting of record disclosures.

(a) *How made and addressed.* An individual may request that the Assistance Board provide the individual with an accounting of disclosures of records pertaining to that individual and the date, nature, and purpose of each disclosure. A request for an accounting is to be made in writing and signed by the requester, who must be the individual about whom the requested record is maintained, or such individual's duly authorized representative and must identify the particular record for which the accounting is requested. The request must be addressed to the Assistance Board at 1301 Pennsylvania Avenue, NW., Suite 702, Washington, DC 20004. Both the envelope and the request must clearly be marked: "Privacy Act Accounting Request."

(b) The Assistance Board is not required to provide an accounting to an individual to the extent that the accounting relates to:

(1) Records for which no accounting must be kept pursuant to 5 U.S.C. 552a;

(2) Those records exempt from the Assistance Board's system of records in accordance with § 1300.11 of this subpart; or

(3) Records for which an accounting need not be disclosed pursuant to 5 U.S.C. 552a.

(c) *Notice of Appeal.* A denial of a request for an accounting may be

appealed to the Privacy Act Appeals Officer in the same manner as a denial of a request for access, with both the envelope and the notice of appeal clearly marked: "Privacy Act Accounting Appeal."

§ 1300.25 Notice of disclosure under compulsory legal process and emergencies.

(a) *Compulsory legal process.* When records concerning an individual are subpoenaed by a grand jury, court, or quasi-judicial authority from the Assistance Board, or disclosed in accordance with an ex parte court order pursuant to 28 U.S.C. 6103, the Assistance Board will make reasonable efforts to assure that written notice of its service or any disclosure is provided to the individual. Notice shall be provided within 5 days (excluding Saturdays, Sundays, and legal public holidays) of making the records available under compulsory legal process or, in the case of a grand jury subpoena or an ex parte order, within 5 days (excluding Saturdays, Sundays, and legal public holidays) of its becoming a matter of public record. Notice will be mailed to the last known address of the individual and will contain the following information: The date and authority to which the subpoena is, or was returnable, or the date of and court issuing the ex parte order, the name and the nature of the information sought and provided. Notice pursuant to this section will not be provided if the system of records has been exempted from the notice requirement of 5 U.S.C. 552a by a Notice of Exemption published in the **Federal Register**.

(b) *Emergency disclosure.* If information concerning an individual has been disclosed to any person under compelling circumstances affecting health or safety as described in 5 U.S.C. 552a, the individual shall be notified of the disclosure at the individual's last known address within 5 days (excluding Saturdays, Sundays, and legal public holidays). Notice will be in writing and will state the nature of the information disclosed, the person or agency to whom it was disclosed, the date of disclosure, and the compelling circumstances justifying the disclosure.

§ 1300.26 Employee standards of conduct.

(a) *In general.* Employees of the Assistance Board have a duty to:

(1) Protect the security of records;

(2) Ensure the accuracy, relevance, timeliness, and completeness of records; and

(3) Avoid the unauthorized disclosure, either verbal or written, of records.

(b) *Maintenance of records.* Except to the extent that the Privacy Act permits such activities, an employee of the Assistance Board shall:

(1) Not collect information of a personal nature from individuals unless the employee is authorized to collect such information to perform a function or discharge a responsibility of the Assistance Board;

(2) Collect from individuals only that information which is necessary to the performance of the functions or to the discharge of the responsibilities of the Assistance Board;

(3) Collect information about an individual directly from that individual whenever practicable;

(4) Inform each individual from whom information is collected of:

(i) The legal authority that authorizes the Assistance Board to collect such information and whether disclosure of such information is mandatory or voluntary;

(ii) The principal purposes for which the Assistance Board intends to use the information;

(iii) The routine uses the Assistance Board may make of the information; and

(iv) The practical and legal effects upon the individual of not furnishing the information;

(5) Maintain all records which are used by the Assistance Board in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as to ensure fairness to the individual in the determination;

(6) Except as to disclosures to an agency or pursuant to 5 U.S.C. 552, make reasonable efforts, prior to disseminating any record about an individual, to ensure that such records are accurate, relevant, timely and complete;

(7) Not maintain any record concerning an individual's religious or political beliefs or activities, or membership in associations or organizations, or describing how any individual exercises rights guaranteed by the First Amendment, unless:

(i) The individual has volunteered such information for the individual's own benefit; or

(ii) A statute expressly authorizes the Assistance Board to collect, maintain, use, or disseminate the information;

(8) When required by the Privacy Act, maintain an accounting in the prescribed form of all disclosures of records by the Assistance Board to agencies or individuals whether verbally or in writing;

(9) Not disclose any record to anyone for any use unless authorized by the Privacy Act;

(10) Maintain and use records with care to prevent the inadvertent disclosure of a record to anyone; and

(11) Notify the head of the Assistance Board of any record that contains information that the Privacy Act or the

foregoing provisions of this paragraph do not permit the Assistance Board to maintain.

(c) *Civil liability and criminal penalty provisions.* Assistance Board employees are referred to the civil liability and criminal penalty provisions of the Privacy Act, 5 U.S.C. 552a.

§ 1300.27 Other rights and services.

Nothing in this subpart shall be construed to entitle any individual, as of right, to any service or to the disclosure of any record to which such individual is not entitled under 5 U.S.C. 552a or 12 U.S.C. 2278a-10.

FEDERAL COMMUNICATIONS COMMISSION

Blanket Routine Uses

The Commission established general or "blanket" routine uses that may be made of the information in its systems of records. The following blanket routine uses may be applied to, and incorporated by reference into, every record system maintained within the Commission. The extent of their application is indicated by a listing of the blanket routine use numbers in each individual system notice. These blanket routine uses are published in this manner in order to avoid unnecessary repetition and in the interest of simplicity and economy, rather than repeating them in each individual system of records notice.

Routine Use-Law Enforcement

Where there is an indication of a violation or potential violation of a statute, regulation, rule, or violation of a statute, regulation, rule, or order, the relevant records may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order.

2. Routine Use-Disclosure When Requesting Information

A record may be disclosed to request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as licenses, if necessary to obtain information relevant to a Commission decision concerning the living or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. Routine Use-Disclosure of Requested Information to a Federal Agency

A record may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit.

4. Routine Use-Congressional Inquiries

A record on an individual in a system of records may be disclosed to a congressional office in response to an inquiry the individual has made to the congressional office.

5. Routine Use-Disclosure to the General Services Administration (GSA) and the National Archives and Records Administration (NARA)

A record from a system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

6. Routine Use-Disclosure to a Court or Administrative Body

A record on an individual in a system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

7. Routine Use-Disclosure to the Department of Justice or a Court for Litigation

A record from a system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when: (a) The United States, the Commission, a component of the Commission, or, when represented by the Government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Commission determines that the disclosure is relevant or necessary to the litigation and is compatible with the purpose for which the records were compiled.

8. Routine Use-Disclosure to the Office of Personnel Management (OPM)

A record in a system of records which concerns information on pay leave, benefits, retirement deductions, and any other pertinent information, may be disclosed to the Office of Personnel Management in order for it to carry out its legally authorized Government-wide functions and duties.

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FCC/Central-1

System name:

Pay, Leave, and Travel Records.

System location:

Financial Management Division and administrative offices of the Federal Communications Commission, 1919 M Street NW., Washington, DC 20554, and FCC field offices. (See FCC telephone directory for field offices addresses.)

Categories of individuals covered by the system:

All Commission employees.

Categories of records in the system:

Contains various records required to administer the pay, leave, and travel requirements of the Commission.

Authority for maintenance of the system:

44 U.S.C. 3101, 3102, 3309.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records are used:

a. To authorize payroll deductions for allotments, savings bonds, charitable contributions, union dues, health benefits and life insurance; collect indebtedness for overpayment of salary and unpaid Internal Revenue taxes; pay income tax obligation to Internal Revenue Service; authorize issuing of salary checks by Treasury Department; obtain reimbursement of travel expenses for official business report gross wages and separation information for unemployment compensation; pay any uncollected compensation due a deceased employee; and provide for a summary of employees payroll data and retirement contributions.

b. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

All of the blanket routine uses of the Prefatory Statement are applicable to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in manual files in folders, cards, magnetic tapes, and loose leaf binders.

Retrievability:

Records are indexed by name.

Safeguards:

Records are maintained in filing cabinets in an office that is locked when not occupied by staff. Records are available only to authorized personnel whose duties require access.

Retention and disposal:

Records are maintained for varying periods of time from one year to permanently in accordance with General Records Schedules issued by the National Archives and Records Administration. Disposal is by shredding.

System manager(s) and address:

Managing Director, Office of the Managing Director, 1919 M Street NW., Washington, DC 20554 or the appropriate administrative office in which the individual is employed.

Notification procedure:

Same as above. It is necessary to furnish the following information in order to identify the individual whose records are requested:

- A. Full name.
- B. Date of Birth.
- C. Social Security Number.
- D. Mailing address to which the reply should be mailed.

Record access procedures:

Same as above. Requesters should reasonably specify the record contents being sought.

Contesting record procedures:

Same as above. Requesters should reasonably specify the record contents being sought.

Record source categories:

Information is provided by management officials and by the individuals on whom the record is maintained.

FCC/Central-2**System name:**

Employee Locator Card Files.

System location:

Personnel and administrative offices of the Federal Communications Commission, 1919 M Street NW., 2025 M Street NW., and 2000 L Street NW., Washington, DC 20554, and FCC field offices. (See FCC telephone directory for field office addresses.)

Categories of individuals covered by the system:

Current employees of the Federal Communications Commission.

Categories of records in the system:

This system contains information regarding the organizational location and telephone number of individual office employees. The system also contains the home address and telephone number of the employee and the name, address, and telephone number of an individual to contact in the event of a medical or other emergency involving the employee.

Authority for maintenance of the system:

5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The record serves to identify an individual for office officials to contact, should an emergency of a medical or other nature involving the employee occur while the employee is on the job. These records may be used to locate individuals for personnel research.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

3" x 5" paper.

Retrievability:

Records are retrieved by name of individual employee.

Safeguards:

Records are maintained in secured areas and are available only to authorized personnel whose duties require access.

Retention and disposal:

Records are maintained as long as the individual is an employee of the Commission. Expired records are destroyed by shredding.

System manager(s) and address:

Appropriate Personnel or administrative office in which the employee is employed.

Notification procedure:

FCC employees wishing to inquire whether the system contains information about them should contact the appropriate FCC administrative officer where employed. Individuals must supply their full name in order for records to be located and identified.

Record access procedures:

Employees should contact the appropriate FCC administrative officer where employed.

Contesting record procedures:

Same as above.

Record source categories:

Individual on whom the record is maintained.

FCC/Central-4**System name:**

Employee Activity Reporting System.

System location:

1919 M Street NW., 2025 M Street NW., 2000 L Street NW., Washington, DC 20554.

Categories of individuals covered by the system:

All current FCC employees whose bureau or office is a participant in the system.

Categories of records in the system:

Individual activity reporting forms containing a person's name, social security number (optional), organization code, activity code and number of hours spent working on the reported activity during a semimonthly reporting period. Monthly reporting forms listed total Bureau/Office output of selected production measures.

Authority for maintenance of the system:

Sections 4 and 5 of the Communications Act of 1934, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Bureau and Office management personnel use data to measure time expended on various programs, services or activities and productivity at Divisional or Bureau level. Financial Management Division uses data to develop future budget estimates.

All of the blanket routine uses of the Prefatory Statement are applicable to this system:

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Original forms are stored in file cabinets by reporting period and organizational unit. Data is also contained on magnetic tapes stored in computer room, also denoted by reporting period.

Retrievability:

Forms and tapes are maintained by semimonthly or monthly reporting period to facilitate aggregation for monthly report. Data is only rarely retrieved for an individual; Normal retrieval is by organizational levels and program, service or activity codes. Forms will be filed in each participating bureau to facilitate location for correction purposes only.

Safeguards:

Records are maintained in file cabinets in offices that are locked at the end of each business day. Access to tapes is controlled by computer room personnel.

Retention and disposal:

Original forms are retained for three months and then destroyed by shredding. These original input documents are maintained for three months in order to facilitate correction of error listings. Tapes are retained for up to two years.

System manager(s) and address:

Appropriate bureau or office chief in the Commission located at 1919 M Street NW., 2025 M Street NW., or 2000 L Street NW., Washington, DC 20554.

Notification procedure:

Address inquiries to the system manager.

Record access procedures:

Address requests to the system manager.

Contesting record procedures:

Same as above.

Record source categories:

Individual Activity Reports of employees participating in the system. Monthly output reports from Bureau/Office management personnel.

FCC/Central-5

System name:

Alcoholism and Drug Abuse Case Files.

System location:

1919 M Street NW., Washington, DC 20554.

Categories of individuals covered by the system:

FCC employees who seek guidance and counseling through the agency Alcoholism and Drug Abuse Program.

Categories of records in the system:

Personal history as it relates to the employee's problem. Records on employees referred for counseling.

Authority for maintenance of the system:

FPM 792.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Reference material for the use of the Program Administrator and Counselors.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Records are stored in locked metal cabinets in the Program Administrator's Office.

Retrievability:

Records are filed and retrieved by name of employee.

Safeguards:

Records are maintained in an office that is locked when not occupied by the Program Administrator. They are maintained in strict confidence and are accorded the same security and accessibility restrictions provided for medical records.

Retention and disposal:

Records are kept indefinitely or until the employee leaves the FCC, at which time they are destroyed by shredding.

System manager(s) and address:

Managing Director, Office of Managing Director, 1919 M Street NW., Washington, DC 20554.

Notification procedure:

Address inquiries to the system manager.

Record access procedures:

Address requests to the system manager.

Contesting record procedures:

Same as above.

Record source categories:

Employee, employee's supervisor, and counselors.

FCC/Central-6

System name:

Personnel Investigation Records.

Security classification:

None for the system; however items or records within the system may have national defense/foreign policy classifications up through secret.

System location:

1919 M Street NW., Washington, DC 20554.

Categories of individuals covered by the system:

a. Current and former FCC employees or applicants for employment in the Federal service.

b. Individuals considered for access to classified information or restricted areas and/or security determinations as contractors, experts, instructors, and consultants to Federal programs.

c. Individuals who are neither applicants nor employees of the Federal Government, but who are or were involved in Federal programs under a co-operative agreement.

Categories of records in the system:

These records contain investigative information regarding an individual's character, conduct, and behavior in: the community where he or she lives or lived; arrests and convictions for violations against the law; reports of interviews with present and former supervisors, co-workers, associates, educators, etc.; reports about the qualifications of an individual for a specific position; reports of inquiries with law enforcement agencies, employers, educational institutions attended; reports of action after OPM or FBI Section 8(d) Full Field Investigation; Notices of Security Investigation; and other information developed from the above Certificates of Clearance and in some instances

a photograph of the subject. Also contained is investigative information concerning allegations of misconduct by an FCC employee, miscellaneous complaints not covered by the FCC's formal or informal grievance procedure, and inquiries conducted under the President's Program to eliminate waste and fraud in Government.

Authority for maintenance of the system:

5 CFR Part 5; 5 U.S.C. Sections 1303, 1304, and 3301, E.O. 10450 and 11222; FCC Rules and Regulations, 47 CFR 19.735-107.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The records in this system are used to provide investigatory information for determinations concerning compliance with Federal regulations and for individual personnel determinations including suitability and fitness for Federal employment, access and security clearances, evaluations of qualification, loyalty to the U.S., and evaluations of qualifications and suitability for performance of contractual services for the U.S. Government; to document such determinations; to take action on or respond to a complaint or inquiry concerning an FCC employee or to counsel the employee; to otherwise comply with mandates and Executive orders.

The following disclosures of information from this system may be made outside the FCC:

a. To designated officers and employees of agencies, offices, and other establishments in the executive, legislative and judicial branches of the Federal Government, and the District of Columbia Government, when such agency, office or establishment conducts an investigation of the individual for the purpose of granting a security clearance, making a determination of qualifications, suitability, or loyalty to the United States Government, or access to classified information or restricted areas.

b. To respond to a request for discovery or for appearance of a witness, when relevant to the subject matter involved in a pending judicial or administrative proceeding.

Blanket routine uses No. 1, 4, 5 and 6 of the Prefatory Statement are applicable to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

File folders.

Retrievability:

Records are retrieved by name of the individual subject.

Safeguards:

Records are maintained within a secure, access-controlled area, and stored in approved security containers. Access is limited to cleared Security Office personnel and to Commission officials on a "need to know" basis when required to take decisional action on the records.

Retention and disposal:

Records are retained during employment; records are returned to investigating agencies after employment terminates. Those originated by the FCC are retained for 20 years from the date of the most recent investigative activity. Records are destroyed by burning.

System manager(s) and address:

Managing Director, Office of Managing Director, 1919 M Street, NW., Washington, DC 20554.

Notification procedure:

Individuals wishing to inquire whether this system contains information about them should contact the system manager indicated above in writing. Individuals must furnish the following information for their records to be located and identified:

a. Full name.

b. Date of birth.

c. Social security number.

d. Signature.

e. Any available information regarding the type of record involved.

f. The category of covered individuals under which the requester believes he or she fits.

Record access procedures:

Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 552a (c)(3) and (d), regarding access to records. The section of this notice titled "Systems exempted from certain provisions of the Act," which appears below, indicates the kinds of material exempted and the reasons for exempting them from access. Individuals wishing to request access to their records should contact the system manager indicated above, in writing. Individuals

must furnish the following information for their records to be located and identified.

- a. Full name.
- b. Date of birth.
- c. Social security number.
- d. Signature.
- e. Any available information regarding the type of records involved.
- f. The category of covered individuals under which the requester believes he or she fits.

Individuals requesting access must also comply with FCC Privacy Act regulations regarding verification of identity and access to records (47 CFR 0.554 and 0.555).

Contesting record procedures:

Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 552a(d), regarding amendment to records. The section of this notice titled "Systems exempted from certain provisions of the Act," which appears below indicates the kinds of material exempted and the reasons for exempting them from amendment. Individuals wishing to request amendment to their non-exempted records should contact the system manager indicated above, in writing. Requests should be directed only to the system manager, whether the record sought is in the primary system or in a decentralized segment. Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Date of birth.
- c. Social security number.
- d. Signature.
- e. Any available information regarding the type of record involved.
- f. The category of covered individuals under which the requester believes he or she fits.

Individuals requesting amendment must also comply with the FCC Privacy Act regulations regarding verification of identity and amendment of records (47 CFR 0.556 and 0.557).

Record source categories:

- a. Applications and other personnel and security forms furnished by the individual.
- b. Investigative and other record material furnished by Federal agencies.
- c. Notices of personnel actions furnished by Federal agencies.
- d. By personnel investigation or written inquiry from sources such as employers, educational institutions, references, neighbors, associates, police departments, courts, credit bureaus, medical records, probation officials, prison officials, newspapers, magazines, periodicals, and other publications.

Systems exempted from certain provisions of the act:

This system may contain the following types of information:

- a. Properly classified information, obtained from another Federal agency during the course of a personnel investigation, which pertains to national defense and foreign policy. The Privacy Act, at 5 U.S.C. 552a(k)(1), permits an agency to exempt such materials from certain provisions of the Act.

- b. Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment. The Privacy Act, at 5 U.S.C. 552a(k)(5), permits an agency to exempt such material from certain provisions of the Act. Materials may be exempted to the extent that release of the material to the individual whom the information is about would:

1. Reveal the identity of a source who furnished information to the Government under an express promise (granted on or after September 27, 1975) that the identity of the source would be held in confidence; or,

2. Reveal the identity of a source, who, prior to September 27, 1975, furnished information to the Government under an implied promise that the identity of the source would be held in confidence.

The Federal Communications Commission has claimed these exemptions from the requirements of 5 U.S.C. 552a (c)(3) and (d). These requirements relate to providing an accounting of disclosures to the individual whom the records are about and access to and amendment of records.

FCC/Central-7

System name:

Freedom of Information Act Case Files.

System location:

1919 M Street, NW., 2025 M Street, NW., Washington, DC 20554.

Categories of individuals covered by the system:

Individuals or organizations requesting access to inspect and/or copy records of the Commission under provisions of the Freedom of Information Act (FOIA).

Categories of records in the system:

Name, address, and other individually identifying information about the requester and the records sought.

Authority for maintenance of the system:

Freedom of Information Act, Pub. L. 93-402 (5 U.S.C. 552)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are available to FOIA staff involved in correspondence and investigative processes, including appeals officials and members of the General Counsel. Disclosures of information from this system may be made outside the Commission as follows:

1. In the event the Commission deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act (FOIA), disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

2. Where the appropriate official of the Commission, pursuant to the Commission's FOIA Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.

3. The Commission contracts with a private firm for the purpose of searching, duplicating, and distributing to the public the documents maintained by the Commission and available for inspection under the Act. The contractor is required to maintain Privacy Act safeguards on such records.

4. A record on an individual in this system may be disclosed to a congressional office in response to an inquiry the individual has made to the congressional office.

5. In the event of litigation where the defendant is (a) the Commission, or any employee of the Commission in his or her official capacity, (b) the United States where the Commission determines that the claim, if successful, is likely to directly affect Commission operations; or (c) any Commission employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Commission may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records maintained in case files (original or copy of incoming request and written response).

Retrievability:

For the most part, records are indexed by name of individual requester.

Safeguards:

Records are maintained in file cabinets in the offices of FOIA Liaisons throughout the Commission with limited access.

Retention and disposal:

Individual case files are maintained for 2 years after date of reply. Denied requests and appeals of denials may be retained for longer periods (up to 5 years after final action) in accordance with FOIA and FCC records control schedules.

System manager(s) and address:

Appropriate bureau or office chief in the Commission located at 1919 M Street, NW. or 2025 M Street, NW., Washington, DC 20554.

Notification procedure:

Address inquiries to the appropriate system manager.

Record access procedures:

Address requests to the appropriate system manager.

Contesting record procedures:

Same as above.

Record source categories:

Individuals and organizations making requests under FOIA or from bureaus or offices of the Commission reporting on the handling of such requests for inclusion in the annual report to Congress.

FCC/Central-8

System name:

Telephone Call Detailed Records.

System location:

1919 M Street, NW., 2025 M Street, NW., 2000 L Street, NW., Washington, DC 20554.

Categories of individuals covered by the system:

Individuals who make long distance calls and individuals who received telephone calls placed from or charged to agency telephones.

Categories of records in the system:

Records relating to use of agency telephones to place long distance calls; records indicating assignment of telephone numbers to employees and location of telephones in the Commission.

Authority for maintenance of the system:

Section 4(i) of the Communications Act; 43 Compt. Gen. 163; 41 CFR 101-37.105-4; 5 CFR 735.205.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records in this system may be disclosed (a) to FCC employees and officials of labor organizations representing FCC employees to determine their responsibility for telephone calls; (b) to Commission officers and staff responsible for certifying official long distance calls; (c) to the Financial Management Division for the purpose of obtaining reimbursements for unofficial calls and to maintain accounting of the funds received; (d) to Commission staff responsible for considering or taking disciplinary action against employees for unofficial use of agency telephones.

Information in this system may be disclosed outside the FCC as stated in Blanket Routine Uses Nos. 1, 3, 4, 5, 6 and 7 of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained on paper and on magnetic tape.

Retrievability:

Records are retrieved by employee name or identification number, by name of recipient of telephone call, and by telephone number.

Safeguards:

Paper records are maintained in file cabinets in offices which are locked at the end of each business day. Information on magnetic tape is secured through controlled access and passwords restricted to administrative office personnel.

Retention and disposal:

Records are disposed of in accordance with General Records Schedule 12, National Archives and Records Administration.

System manager(s) and address:

Appropriate bureau or office chief in the Commission located at 1919 M Street, NW., 2025 M Street, NW., or 2000 L Street, NW., Washington, DC 20554.

Notification procedure:

Inquiries regarding this system should be addressed to the system manager in the appropriate bureau or office.

Record access procedures:

Requests for access to a record should be directed to the system manager in the appropriate bureau or office.

Contesting record procedures:

An individual desiring to amend a record shall direct such a request to the system manager in the appropriate bureau or office.

Record source categories:

Telephone assignment records; call detail listings; results of administrative inquiries relating to assignment of responsibility for placement of specific long distance calls.

FCC/CCB-1

System name:

Complaints and Inquiries File.

System location:

2025 M Street, NW., Washington, DC 20554.

Categories of individuals covered by the system:

Individuals who have made complaints or inquiries.

Categories of records in the system:

Complaints and related supporting information, company replies to complaints, letters of inquiry and Commission letters regarding such complaints and inquiries.

Authority for maintenance of the system:

Section 208 of the Communications Act; FCC Rules, 47 CFR 1.711 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by Commission personnel to handle and process complaints and inquiries received from individuals and companies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper file.

Retrievability:

Records are retrieved by individual name.

Safeguards:

Stored in unlocked files which are secured in office after hours.

Retention and disposal:

The records are retained in the Commission and then destroyed 2 years after final action.

System manager(s) and address:

Chief, Common Carrier Bureau, 1919 M Street, NW., Washington, DC 20554.

Notification procedure:

Address inquiries to the system manager.

Record access procedures:

Address requests to the system manager.

Contesting record procedures:

Same as above.

Record source categories:

Complainants and subject carriers.

FCC/CCB-4

System name:

Public Land Mobile Individual Users File.

System location:

1919 M Street, NW., Washington, D.C. 20554.

Categories of individuals covered by the system:

To the extent that Public Land Mobile Service application/license files occasionally contain records on individuals as defined by the Privacy Act, this system covers individual applicants and licensees for Public Land Mobile Service.

Categories of records in the system:

Applications for airborne (air-to-ground) licenses; related forms and correspondence; a computerized list of licensees by name and call sign.

Authority for maintenance of the system:

Section 307 of the Communications Act, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in this system is used by Mobile Services Division staff to grant, dismiss or revoke applications.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, microfiche, and computer printout.

Retrievability:

Records are retrieved by licensee name or call sign.

Safeguards:

The records are maintained in rooms which are secured at the end of the business day.

Retention and disposal:

License files for Public Land Mobile service are cut off when superseded or a major modification occurs, then transferred to the Federal Records Center and destroyed when 20 years old.

System manager(s) and address:

Chief, Common Carrier Bureau, 1919 M Street, NW., Washington, D.C. 20554.

Notification procedure:

Address inquiries to the system manager.

Record access procedures:

Address requests to the system manager.

Contesting record procedures:

Same as above.

Record source categories:

Individuals making applications.

FCC/FOB-1

System name:

Radio Operator Records.

System location:

Primary: 1919 M Street, NW., Washington, D.C. 20554. Secondary: Various field facilities (See FCC telephone directory for field office addresses, or locate local office in commercial telephone directory under "U.S. Government.")

Categories of individuals covered by the system:

Individuals who have applied for radio operator licenses.

Categories of records in the system:

Applications for commercial radio operator licenses, examination papers, records of documents issued, correspondence, etc.

Authority for maintenance of the system:

Geneva Radio Regulations; 47 U.S.C. Section 303(l), (m) and 318.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

For use in connection with the administration of the Commission's radio operator program including examinations, applications, and determinations of license applicant qualifications. Limited file material concerning licensed radio operators is forwarded for inclusion in the agency's central computer facility.

If the records indicate a possible violation of law, they may be referred, as a routine use, to the General Counsel and to the appropriate agency charged with the responsibility of investigating or prosecuting such violation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper, microfilm and magnetic tape.

Retrievability:

All records are retrievable by applicant name.

Safeguards:

Records are kept in file cabinets in offices that are secured at the close of the business day. Information provided by applicants concerning their mental or physical health or disability is kept in confidence and afforded the same security and accessibility restrictions as provided for medical records.

Retention and disposal:

Commercial applications are destroyed when 11 years old. Both General and Restricted Permit applications are retained for 75 years.

System manager(s) and address:

Chief, Field Operations Bureau, 1919 M Street, NW., Washington, D.C. 20554.

Notification procedure:

Address inquiries to the system manager.

Record access procedures:

Address requests to the system manager.

Contesting record procedures:

Same as above.

Record source categories:

Individuals making applications. FOB field employees engaged in radio operator application processing.

Systems exempted from certain provisions of the act:

Parts of this system of records are exempt from subsections (c)(3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f) of the Privacy Act because such parts contain investigatory material compiled solely for law enforcement purposes pursuant to Section (k)(2) of the Act.

FCC/FOB-2

System name:

Violators File (records kept on individuals who have been subjects of FCC field enforcement actions).

System location:

Primary: 1919 M Street, NW., Washington, D.C. 20554. Secondary: Various field facilities (See FCC telephone directory for field office addresses, or locate local office in commercial telephone directory under "U.S. Government.")

Categories of individuals covered by the system:

Individuals who have been subjects of FCC field enforcement actions (monitoring, inspection, investigation) for violations of radio law, FCC Rules and Regulations, or International Radio Treaties.

Categories of records in the system:

Inspection reports, complaints, monitoring reports, investigative cases, referral memos, correspondence, discrepancy notifications, warning notices and forfeiture actions.

Authority for maintenance of the system:

47 U.S.C. Sections 101, 102, 104, 301, 312, 315, 318, 386, 401, 404, 501, 502, 503.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

For use in connection with the Commission's field enforcement programs to determine levels of compliance among radio users; to issue marine certificates of compliance; to document Commission monitoring, inspections and investigations for enforcement purposes; to provide a basis for various administrative, civil, or criminal sanction actions taken against violators by FOB or other appropriate Commission bureaus or offices.

Limited information elements are transferred to the Commission's central computer facility and to FOB field facilities to maintain a cross-reference which prevents duplication of enforcement actions, and to track the progress of enforcement cases.

If the records indicate a possible violation of law, they may be referred, as a routine use, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing the applicable statutes or rules.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, magnetic tape, and computer printout.

Retrievability:

All records are retrievable by name and FCC-issued call sign.

Safeguards:

Paper records are kept in file cabinets in offices that are secured at the close of the business day. Access to information on computer is restricted by use of passwords and location of terminals in rooms which are designated non-public areas, and which are secured outside of business hours.

Retention and disposal:

All violation notices are maintained for a period of 4 years, then destroyed. (Classified material is destroyed by burning or shredding.)

System manager(s) and address:

Chief, Field Operations Bureau, 1919 M Street, NW., Washington, D.C. 20554.

Notification procedure:

Address inquiries to the system manager.

Record access procedures:

Address requests to the system manager.

Contesting record procedures:

Same as above.

Record source categories:

Correspondence with the individual subject. Commission employees located in the Field Offices, District Offices and Monitoring Stations.

Systems exempted from certain provisions of the act:

Parts of this system of records are exempt from subsections (c)(3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f) of the Privacy Act and from 0.554—0.557 of FCC Rules because such parts are maintained as a protective service for individuals described in Section 3056 of Title 18, and because they are necessary for FCC employees to perform their duties, pursuant to sections (k)(1), (2) and (3) of the Act.

FCC/FOB-3

System name:

Employee Activity System.

System location:

Administrative office of the Federal Communications Commission (FCC), Field Operations Bureau (FOB), 1919 M Street NW., Washington, DC 20554.

Categories of individuals covered by the system:

Current employees within FOB at the FCC.

Categories of records in the system:

This system contains a person's name, social security number, organizational code, title, grade, salary, date of birth, service computation date, and date employee entered on duty. Included in this

system are employees' standards, appraisal information and awards. The system also contains the home address and telephone number of the employee and the name, address, and telephone number of an individual to contact in the event of a medical or other emergency involving the employee.

Authority for maintenance of the system:

5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Record serves to identify the staffing plan for the bureau. The record will also reflect the current status of personnel actions for each employee. In addition, the record serves to identify an individual for office officials to contact, should an emergency of a medical or other nature involving the employee occur while the employee is on the job.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records are stored in file cabinets. Automated records are on computer media.

Retrievability:

Records can be retrieved by name of individual employee.

Safeguards:

Records are maintained in a secured area and are available only to authorized personnel whose duties require access.

Retention and disposal:

Records are maintained as long as the individual is an employee of FCB. Expired records are destroyed.

System manager(s) and address:

Administrative Office, FCB, FCC, 1919 M Street NW., Washington, DC 20554.

Notification procedure:

Address inquiries to the system manager.

Record access procedures:

Address requests to the system manager.

Contesting record procedures:

Same as above.

Record source categories:

Employees and employee's supervisor.
Effective date: Feb. 20, 1990.

FCC/PRB-2

System name:

Application and License File.

System location:

2025 M Street, NW., Washington, D.C. 20554, and Route 116, Gettysburg, PA 17325. Records consisting of extracts of selected information can also be inspected at FCC field offices. (See FCC telephone directory for field office addresses, or locate local office in commercial telephone directory under "U.S. Government.")

Categories of individuals covered by the system:

Radio service applicants and licensees under Parts 80, 87, 90, 94, 95, and 97 of the Commission's Rules.

Categories of records in the system:

Applications, licenses, and correspondence maintained by various radio categories: Aeronautical and Fixed Group, Aircraft Group, Alaskan Group, Amateur, Automobile Emergency, Aviation Auxiliary Group, Aviation Radio Navigation Land, Business Citizens Band, Civil Air Patrol, Coastal Group, Disaster, Fire, Forest Products, Forestry Conservation, General Mobile, Highway Maintenance, Industrial Radio Location, Interurban Passenger (Motor Carrier), Interurban Property (Motor Carrier), Local Government, Manufacturers, Marine Auxiliary Group, Marine Radar Land, Motion Picture, Operational Fixed Microwave, Personal Radio, Petroleum, Police, Power, Radio Amateur Civil Emergency Service (RACES), Radio Control, Railroad, Relay Press, Ship Group, Special Emergency, Special Industrial, State Guard, Taxicab, Telephone Maintenance, Urban Passenger (Motor Carrier), Urban Property (Motor Carrier).

Authority for maintenance of the system:

Sections 310, 303 of the Communications Act of 1934, and amendments.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used to administer the Commission's program relating to radio categories listed above including licensing, enforcement,

rulemaking, and other actions requiring record information; to evaluate unique systems; to provide a service of information for the general public. Selected informational elements are incorporated in the Commission's central computer facility to maintain a current inventory of licensees for those services which are computerized.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records are stored in file boxes or cabinets. Automated records are on microfiche or computer media.

Retrievability:

Records can be retrieved alphabetically by name of applicant/licensee within each radio service. Automated records can be retrieved by means other than personal identifier, such as location or call sign.

Safeguards:

Records are freely available for public inspection. There are safeguards against alteration of computer records by unauthorized persons (passwords). Paper files are maintained in offices which are locked at the end of each business day.

Retention and disposal:

Records are normally retained as long as the station remains licensed, although some bulky files may be divided and older material sent to the Federal Records Center, and maintained a minimum of 2 years and a maximum of 11 years after expiration date.

System manager(s) and address:

Chief, Private Radio Bureau, 2025 M Street, NW., Washington, DC 20554

Notification procedure:

Address inquiries to the system manager. In order to facilitate the location of a specific record, the name of the radio category under which the application was filed and the call sign of the license issued should be included with the request.

Record access procedures:

Same as notification procedure.

Contesting record procedures:

Same as notification procedure.

Record source categories:

Original applications and supplemental material submitted by applicants; correspondence from complainants; inspection reports; application processors.

FCC/PRB-4

System name:

Private Radio Bureau Compliance.

System location:

Federal Communications Commission (FCC), Private Radio Bureau, 2025 M Street NW., Washington, DC 20554.

Categories of individuals covered by the system:

Licensees, applicants, and unlicensed persons under parts 80, 87, 90, 94, 95, and 97 of the rules about whom there are questions of compliance with the Commission's rules or the Communications Act of 1934. Unlicensed persons operating radio equipment.

Categories of records in the system:

Compliance case history logs; investigatory and hearing files with inspection reports, complaints, correspondence, pleadings, legal memoranda, investigative findings, forfeiture notices.

Authority for maintenance of the system:

Title 47 U.S.C. 301, 303, 309(e), 312, 362, 364, 386, 507, and 510.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by bureau employees in compliance, rule waiver, and hearing cases to document, to evaluate, to impose sanctions for noncompliance with the rules or Act, and to grant waivers. Blanket routine uses Nos. 1-7 of the Prefatory Statement are applicable to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Case materials are in file folders. Logs are on cards, paper, and electromagnetic computer tape.

Retrievability:

Records are filed and retrieved by name of licensee, applicant or unlicensed individual or call sign.

Safeguards:

Paper records are maintained on a division level in appropriate file cabinets in offices which are locked at the end of each business day. Access to computer records is controlled by password.

Retention and disposal:

The documentation portions of these records are retained for 3 years after the case is closed and then destroyed.

System manager(s) and address:

Chief, Private Radio Bureau, FCC, 2025 M Street NW., Washington, DC 20554.

Notification procedure:

Address inquiries to the system manager.

Record access procedures:

Address requests to the system manager.

Contesting record procedures:

Same as above.

Record source categories:

Information originates from various sources: FCC Field Engineers; private citizens; Department of Justice; other Commission personnel.

Systems exempted from certain provisions of the act:

Parts of this system of records are exempt from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from sections 0.554-0.557 of the Commission's rules because such parts contain investigatory material compiled solely for law enforcement purposes pursuant to section 552(k)(2) of the Act.

Effective date: Feb. 20, 1990.

FCC/PRB-5

System name:

Application Review List for Present or Former Licensees, Operators or Unlicensed Persons Operating Radio Equipment Improperly.

System location:

2025 M Street, NW., Washington, D.C. 20554.

Categories of individuals covered by the system:

Individuals who are or have been licensed under Parts 13, 80, 87, 95, or 97 of the Rules who have operated in violation of the Commission's Rules or the Communications Act. Unlicensed persons who have operated radio transmitting equipment. Persons who have had a license revoked or have had an application dismissed or denied, and are prohibited from filing another application within one year.

Categories of records in the system:

Name, address, date of birth (if known) of individual, authorization code of staff member who placed name in the file, and the date the name was placed in the file.

Authority for maintenance of the system:

47 U.S.C. 301, 303, 309(e), 312.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Needed by selected staff and field employees to determine whether the applications of these individuals should be granted, dismissed or set for hearing.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

On magnetic tape and computer printout.

Retrievability:

Information is filed alphabetically by name of individual in a computer and is retrieved periodically through computer printout.

Safeguards:

Access to computer is controlled by password in a secured office and the printouts are available only to selected staff personnel.

Retention and disposal:

The printouts are destroyed by machine shredding or by tearing into pieces when a new list is distributed. The computer tapes are retained for four back-cycles and on the fifth update, the oldest tape is destroyed. Individual names are removed from the file when retention is no longer appropriate; entire lists of names is reviewed quarterly.

System manager(s) and address:

Chief, Private Radio Bureau, 2025 M Street, NW., Washington, D.C. 20554.

Notification procedure:

Address inquiries to the system manager.

Record access procedures:

Address requests to the system manager.

Contesting record procedures:

Same as above.

Record source categories:

Applicants and FCC Field Engineers.

FCC/OET-1

System name:

Experimental Radio Station License Files.

System location:

Room 7316, 2025 M Street, NW., Washington, D.C. 20554.

Categories of individuals covered by the system:

Those who have been granted a license to operate an experimental radio station under Part 5 of the Commission's Rules.

Categories of records in the system:

File contains the application form (FCC Form 442, Application for a New or Modified Station) or renewal form (FCC Form 405, Application for Renewal of Station License) and supporting exhibits submitted by the applicant. May also include experimental project reports submitted by the applicant as required by FCC Rules, Part 5. File also includes comments from other Commission bureaus on interference potential of operation.

Authority for maintenance of the system:

Communications Act of 1934, as amended, Section 308. FCC Rules and Regulations, Part 5, Experimental Radio Services (other than Broadcast).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To make a determination of applicant's eligibility to operate a station in the experimental radio service; to determine interference potential to other radio services, as well as determine if project of experimentation is valid; to Federal agencies, other FCC bureaus, or to the public if it feels it may be impacted or wants to know what new experimentation is being conducted. FCC bureaus use the information to determine the interference potential as well as possible use in rulemakings. The information is available to anyone, unless the applicant has requested confidentiality under section 0.459 of the Commission's Rules or the information is classified.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Files are retrieved by licensee name. If more than one station per licensee, then also filed by call sign.

Safeguards:

All files are available to the public except classified files and files that have been granted confidentiality under section 0.457 of the Commission's Rules. Classified files are kept in locked cabinets in accordance with security regulations. Files that have been granted confidentiality under section 0.457 are marked "NOT FOR PUBLIC INSPECTION" and may only be accessed by Branch personnel and Commission employees who have a need to know the information.

Retention and disposal:

Records are maintained in the office; destroyed 2 years after expiration of license.

System manager(s) and address:

Chief, Frequency Liaison Branch, Room 7322, 2025 M Street, NW., Washington, D.C. 20554.

Notification procedure:

Address inquiries to the system manager.

Record access procedures:

Address requests to the system manager.

Contesting record procedures:

Same as above.

Record source categories:

The majority of information comes from the individual. Other information comes from coordination with other FCC bureaus and from that which is generated within the Branch during the normal processing of the application.

FCC/OGC-1

System name:

Alleged Violators File (Ex Parte Rules).

System location:

1919 M Street, NW., Washington, D.C. 20554.

Categories of individuals covered by the system:

Individuals alleged to have violated the Commission's ex parte rules.

Categories of records in the system:

Complaint letters, memoranda, briefs, Commission decisions recommending action and new releases.

Authority for maintenance of the system:

Section 4(i) of the Communications Act of 1934, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Record information is used by staff attorneys to make a determination whether, in fact, a violation of the ex parte rules has occurred. The records may be referred to the appropriate agency charged with the responsibility of prosecuting such violation or enforcing the applicable statute or rule.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

File folders.

Retrievability:

Records are maintained by the name of the party accused of an ex parte violation.

Safeguards:

Records are maintained in unlocked file cabinets in an office that is secured at the end of each business day. Since only one or two office persons have need to routinely access this system, unauthorized examinations would be easily detected.

Retention and disposal:

Destroy when 3 years old.

System manager(s) and address:

General Counsel, Office of General Counsel, 1919 M Street, NW., Washington, D.C. 20554.

Notification procedure:

Address inquiries to the system manager.

Record access procedures:

Address requests to the system manager.

Contesting record procedures:

Same as above.

Record source categories:

Complaints, Security Officer, Bureau Chiefs.

FCC/OGC-2

System name:

Attorney Misconduct Files.

System location:

1919 M Street, NW., Washington, DC 20554.

Categories of individuals covered by the system:

Any attorney who appears in a representative capacity before the FCC and who is being charged with attorney misconduct.

Categories of records in the system:

Correspondence, briefs, related Commission agenda items, ABA recommendations, investigative findings, complaints of attorney misconduct, memoranda.

Authority for maintenance of the system:

5 U.S.C. 500(d)(2).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Record information is used by staff attorneys to prosecute a case for attorney misconduct before the administrative law judge and the Commission. Record information may be referred, as a routine use, to the appropriate bar association charged with the responsibility of investigating the alleged misconduct. Further, blanket routine use No. 1 of the Prefatory Statement is applicable to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

File folders.

Retrievability:

Records are retrieved by the name of the attorney charged with misconduct.

Safeguards:

Records are kept in file cabinets in offices that are secured at the end of each business day. Since only one or two staff persons routinely access this record system, unauthorized examination during business hours would be easily detected.

Retention and disposal:

Destroyed 5 years after case closure.

System manager(s) and address:

General Counsel, Office of General Counsel, 1919 M Street, NW., Washington, DC 20554.

Notification procedure:

Address inquiries to the system manager.

Record access procedures:

Address requests to the system manager.

Contesting record procedures:

Same as above.

Record source categories:

Letters from the public, pleadings, agenda items, intra-agency memoranda.

Systems exempted from certain provisions of the act:

This system of records is exempt from Subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of the Privacy Act of 1974, 5 U.S.C. 552a, and from Sections 0.554—0.557 of the Commission's rules because it is maintained for law enforcement purposes pursuant to subsection (k)(2) of the Act.

FCC/OGC-3

System name:

Employee Complaint Adjudication.

System location:

1919 M Street NW., Washington, DC 20554.

Categories of individuals covered by the system:

Any Commission employee who is the subject of a complaint investigation involving internal personnel actions or activities, i.e., discrimination, grievance, political activity, separation or adverse action.

Categories of records in the system:

Records in this system involve internal personnel disputes that have reached the hearing stage, and may include correspondence, memoranda, transcripts of hearings, briefs, investigative reports, decisions of hearing examiners and Commissioners.

Authority for maintenance of the system:

5 U.S. Code Section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used by staff attorneys in the General Counsel's office in pre-hearing settlement negotiations with opposing parties; records are also used in preparation for the actual hearing before an administrative body or a court.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

File folders.

Retrievability:

Records are retrieved by the name of the subject individual in the investigation.

Safeguards:

Records are maintained in unlocked file cabinets in an office that is secured at the end of each business day.

Retention and disposal:

Destroyed 5 years after case closure.

System manager(s) and address:

General Counsel, Office of General Counsel, 1919 M Street NW., Washington, DC 20554.

Notification procedure:

Address inquiries to the system manager.

Record access procedures:

Address requests to the system manager.

Contesting record procedures:

Same as above.

Record source categories:

Co-workers, other supervisors, classification experts, other persons involved in the case.

FCC/OGC-4

System name:

Parties Involved in Current Litigation Before Federal Courts.

System location:

1919 M Street NW., Washington, DC 20554.

Categories of individuals covered by the system:

Any person who is a captioned party of record in an appeal from or petition for review of a Commission action, or other court filing.

Categories of records in the system:

Litigation Division docket files (duplicate files of those filed with the Court and other parties).

Authority for maintenance of the system:

Section 402 of the Communications Act of 1934, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Record information is used by Commission attorneys for case preparation and reference.

Blanket routine uses Nos. 6 and 7 of the Prefatory Statement are applicable to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Indexed by case name.

Safeguards:

Records are filed in the Litigation office and secured after working hours.

Retention and disposal:

After cases have been decided or dismissed and reach the inactive mode, the precedent-setting or important cases are reviewed to delete duplicative or unnecessary material and then are forwarded to the Library for binding. The cases remain in the Library for reference and research purposes. The remainder of the case records are destroyed when no longer needed or three years after closure, whichever occurs first.

System manager(s) and address:

General Counsel, Office of General Counsel, 1919 M Street NW., Washington, DC 20554.

Notification procedure:

Address inquiries to the system manager.

Record access procedures:

Address requests to the system manager.

Contesting record procedures:

Same as above.

Record source categories:

U.S. Circuit Court of Appeals and parties to proceedings.

FCC/OGC-5

System name:

Parties with Pending Civil Cases Before Any District Court That Affect the Commission.

System location:

1919 M Street NW., Washington, DC 20554.

Categories of individuals covered by the system:

Any individual who has a miscellaneous case before any District Court that involves the Commission.

Categories of records in the system:

Letters, memoranda, briefs, bankruptcy papers.

Authority for maintenance of the system:

Section 402 of the Communications Act of 1934, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Record information is used by Commission attorneys to update information or furnish additional data for the Government agency handling the case.

Blanket routine uses Nos. 6 and 7 of the Prefatory Statement are applicable to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Records are retrieved by the name of the individual filing the claim.

Safeguards:

Records are maintained in unlocked file cabinets in an office that is secured at the end of each business day.

Retention and disposal:

The records are destroyed when no longer needed or after five years, whichever occurs first.

System manager(s) and address:

General Counsel, Office of General Counsel, 1919 M Street NW., Washington, DC 20554.

Notification procedure:

Address inquiries to the system manager.

Record access procedures:

Address requests to the system manager.

Contesting record procedures:

Same as above.

Record source categories:

Justice Department; U.S. Attorneys; other Federal agencies; U.S. District Courts; and parties to the proceedings.

FCC/OGC-6

System name:

Private or Civil Injury Claimants.

System location:

1919 M Street NW., Washington, DC 20554

Categories of individuals covered by the system:

Any individual who files a damage claim against the Commission or commits a tort against a Commission employee.

Categories of records in the system:

Accident reports, tort claim vouchers, correspondence, memoranda, medical and payment receipts, repair and payment receipts, pictures.

Authority for maintenance of the system:

Federal Tort Claims Act, 28 U.S.C. Section 2672.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Record information is used by attorneys in the Office of General Counsel to determine whether a damage claim filed against the Commission should be paid and for reference when assigned a similar case. If it is determined that the claim should not be paid or in cases when, pursuant to the limitations set out in 28 U.S.C. Section 2672, the Commission cannot make the final determination whether or not to pay a claim, the record is routinely transferred to the appropriate agency charged with the responsibility of disposition.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Records are retrieved by the name of the individual who filed the claim.

Safeguards:

Records are kept in an unlocked file cabinet in an office that is locked at the end of each business day. Since only one or two office persons routinely access this system, unauthorized examination during business hours would be easily detected.

Retention and disposal:

Destroy 5 years after case closure.

System manager(s) and address:

General Counsel, Office of General Counsel, 1919 M Street NW., Washington, DC 20554.

Notification procedure:

Address inquiries to the system manager.

Record access procedures:

Address requests to the system manager.

Contesting record procedures:

Same as above.

Record source categories:

Witnesses, General Counsel; Office of Managing Director; claimants; and employees.

FCC/OGC-7**System name:**

Garnishment and Levy of Wages.

System location:

1919 M Street NW., Washington, DC 20554

Categories of individuals covered by the system:

Any Commission employee who is the subject of a garnishment or levy order issued by a court of competent jurisdiction or by another government entity duly authorized to issue such order.

Categories of records in the system:

Garnishment or levy orders served upon the agency for implementation, correspondence, memoranda.

Authority for maintenance of the system:

5 U.S.C. Section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used by staff attorneys in the General Counsel's office in directing the agency's implementation of garnishment and levy orders. Also, blanket routine uses number 1, 6 and 8 of the Prefatory Statement are applicable to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

File folders.

Retrievability:

Records are maintained by the name of the individual subject to garnishment or levy order.

Safeguards:

Records are kept in file cabinets in offices that are secured at the end of each business day. Because only one or two office persons have need to routinely access this system, unauthorized examinations would be easily detected.

Retention and disposal:

Records are normally retained as long as the Commission remains under the obligation to implement the particular garnishment or levy order.

System manager(s) and address:

General Counsel, Office of General Counsel, 1919 M Street NW., Washington, DC 20554.

Notification procedure:

Address inquiries to the system manager.

Record access procedures:

Address requests to the system manager.

Contesting record procedures:

Same as above.

Record source categories:

Bankruptcy courts, state domestic relations courts, state public health and welfare departments or agencies, Internal Revenue Service, intra-agency memoranda.

FCC/OIG-1**System name:**

General Investigative Files.

Security classification:

Limited access. Certain records or information in this system may be provided security safeguards equivalent to the protection of Top Secret classified information.

System location:

Office of Inspector General, Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

Categories of individuals covered by the system:

Individuals and entities who are or have been the subjects of investigations conducted by the OIG, including present and former FCC employees, and other individuals and entities doing business with FCC.

Categories of records in the system:

Case files developed during investigations of known or alleged waste, fraud, and abuse, or other irregularities or violations of laws and regulations. Case files related to programs and operations administered or financed by the FCC, including contractors and others doing business with the FCC. Investigative files relating to FCC employees, hotline complaints, and other miscellaneous complaint files. Investigative reports and related documents, such as correspondence, notes, attachments, and working papers.

Authority for maintenance of the system:

Inspector General Act of 1978, as amended by the Inspector General Act Amendments of 1988 (Pub. L. No. 100-504, Oct. 18, 1988).

Purpose(s):

For the purpose of preventing or detecting waste, fraud, or abuse, conducting and supervising audits and investigations relating to programs and operations, informing the Chairman about problems and deficiencies in the Commission's programs and operations or suggesting corrective action in reference to identified irregularities, problems or deficiencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(a) A record within this system which includes information which indicates either by itself or in combination with other information within the agency's possession, a violation or potential violation of law, whether criminal, civil or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be disclosed as a routine use to the appropriate Federal, State, local or foreign agency or professional organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing, implementing, investigating, or prosecuting the particular statute, rule, regulation or order at issue.

(b) A record within this system which is derived from another FCC system of records may be disclosed in accord with the routine uses specified in the Federal Register notice for the system of records from which the record is derived.

(c) A record within this system may be disclosed, as a routine use, to any Federal agency responsible for considering suspension/debarment actions where such record would be relevant to a determination of the propriety/necessity for such an action.

(d) A record within this system may be disclosed, as a routine use, to any source, either private or governmental, to the extent necessary to secure from such source information relevant to and sought in furtherance of a legitimate investigation or audit.

(e) A record within this system may be disclosed, as a routine use, to a Federal, State, local, foreign or international agency, in connection with such entity's assignment, hiring or retention of an individual, issuance of a security clearance, reporting of an investigation of an individual, letting of a contract or issuance of a license, grant or other benefit, to the extent that the information is relevant and necessary to such agency's decision on the matter.

(f) A record within this system may be disclosed, as a routine use, to the Office of Government Ethics for any purpose consistent with that office's mission, including the compilation of statistical data.

(g) A record within this system may be disclosed, as a routine use, to the U.S. General Accounting Office and to the General Services Administration's Board of Contract Appeals in bid protest cases involving an agency procurement.

(h) A record within this system may be disclosed, as a routine use, to the U.S. Department of Justice in order to obtain that department's advice regarding an agency's disclosure obligations under the Freedom of Information Act.

(i) A record within this system may be disclosed, as a routine use, to the Office of Management and Budget in order to obtain that office's advice regarding an agency's obligations under the Privacy Act.

(j) A record within this system may be disclosed, as a routine use, to a Member of Congress who submits an inquiry on behalf of an individual when the Member of Congress informs the appropriate agency official that the individual to whom the record pertains has authorized the Member of Congress to have access. In such cases, the member has no greater right to the record than does the individual.

(k) A record within this system may be disclosed, as a routine use, to a "consumer reporting agency" as that term is defined in the Fair

Credit Reporting Act (15 U.S.C. 1681 a(f)) and the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)), for the purposes of obtaining information in the course of an investigation or audit.

(l) A record within this system may be disclosed in a proceeding before a court or adjudicative body before which the FCC is authorized to appear, or in the course of settlement negotiations with opposing counsel.

(m) A record within this system may be disclosed to the Department of Justice when—(1) the FCC, or any component thereof; or (2) any employee of the FCC in his or her official capacity; or (3) any employee of the FCC in his or her individual capacity, where the Department of Justice has agreed or is considering a request to represent the employee; or (4) the United States, where the FCC determines that litigation is likely to affect the FCC or any of its components—is a party to litigation or has an interest in such litigation, and the FCC determines that the use of such records by the Department of Justice is relevant and necessary to the litigation; provided, however, that in each case, the FCC determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The files are stored in file folders. All records are stored under secure conditions.

Retrievability:

Records are filed alphabetically by name.

Safeguards:

Records are kept in file cabinets in offices that are secured at the end of each business day. Since only one or two staff persons routinely access this records system, unauthorized examination during business hours would be easily detected.

Retention and disposal:

Records are covered by the National Archives and Records Administration's General Records Schedule 22. Investigative files containing information or allegations which are of an investigative nature but do not relate to a specific investigation are destroyed after 5 years from the date the record was established. All other investigative case files are placed in inactive file when case is closed. Files are retained for 10 years, then destroyed if no longer needed. Case files of internal audits of agency programs, operations, and procedures, and of external audits of contractors and grantees are destroyed after 8 years if no longer needed. Index references to investigative files are destroyed when superseded or obsolete. Disposition of records shall be in accordance with FCC Records Maintenance and Disposition System.

System manager(s) and address:

Inspector General, Office of Inspector General, Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

Notification procedure:

During an investigation, information from other FCC systems of records may be incorporated into the case file. In certain instances, the incorporated information may be material which the Privacy Act permits an agency to exempt from certain provisions of the Act. See 5 U.S.C. 552a (j)(2); (k)(1), (2), (5). To the extent that such exempt material is incorporated into the case file, the Chairman of the Federal Communications Commission has determined that the material as it appears in this system should be exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I) and (f), of the Privacy Act, pursuant to 5 U.S.C. 552a (j)(2) and (k)(2); and from subsections (c)(3) and (d) pursuant to 5 U.S.C. 552a (k)(1) and (5). To the extent that this system of records is not subject to exemption, it is subject to notification, access and contesting procedures. A determination as to the applicability of an exemption as to a specific record shall be made at the time a request for notification, access, or contesting is received. Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

Record access procedures:

Same as notification procedure above.

Contesting record procedures:

Same as above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories:

(1) Federal, State, local or foreign government agencies concerned with the administration of criminal justice and non-law enforcement agencies both public and private; (2) Members of the public; (3) Government employees; (4) Published material; (5) Witnesses and informants.

Systems exempted from certain provisions of the act:

During an investigation, information from other systems of records may be incorporated into the case file. In certain instances, the incorporated information may be material which the Privacy Act permits an agency to exempt from certain provisions of the Act. See 5 U.S.C. 552a (j)(2); (k)(1), (2), and (5). To the extent that such exempt material is incorporated into the investigative file, the Head of the Federal Communications Commission has determined that the material as it appears in this system should be exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f), of the Privacy Act, pursuant to 5 U.S.C. 552a (j)(2) and (k)(2); and from subsections (c)(3) and (d) pursuant to 5 U.S.C. 552a (k)(1) and (5).

Effective date: Feb. 20, 1990.

FCC/OMD-2

System name:

Labor and Employee Relations Case Files.

System location:

Labor-Management and Employee Relations Branch, Office of Associate Managing Director—Human Resources Management, Office of Managing Director, Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

Categories of individuals covered by the system:

Current and former FCC employees.

Categories of records in the system:

This system contains a variety of records relating to formal and informal actions based on conduct or performance; grievances filed under the negotiated or administrative grievance procedures; requests for reconsideration; arbitrations; appeals; and miscellaneous inquiries and complaints. The records may include information such as case number; employee name, social security number, grade, job title, and employment history. The records may also include copies of notices of proposed actions; materials relied on by the agency to support the proposed action; statements of witnesses; employee responses or appeals; transcripts; and agency decisions.

Authority for maintenance of the system:

5 U.S.C. Chapters 33, 35, 43, 61, 63, 71, 73, 75, and 77; 5 CFR Parts 315, 359, 432, 531, 532, 610, 630, 715, 733, 735, 752, and 771.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records and information in these records may be used: a. To provide information to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

b. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

c. To disclose information to any source from which additional information is requested in the course of processing any of the covered actions or in regard to any appeal or administrative review procedure, to the extent necessary to identify the individual, inform the source or the purpose(s) of the request, and to identify the type of information requested.

d. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, or the classifying of jobs, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

e. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

f. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

g. By the National Archives and Records Administration in records management inspections conducted under authority of 44 U.S.C. Section 2904 and 2906.

H. By the agency maintaining the records or the Office of Personnel Management to locate individuals for personnel research or

survey response and in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related workforce studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

i. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

J. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of OPM rules and regulations, investigations of alleged or possible prohibited personnel practices, and such other functions; e.g., as promulgated in 5 U.S.C. Section 1205 and 1206, or as may be authorized by law.

k. To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with applicable laws and regulations, or other functions vested in the Commission by applicable law.

l. To disclose information to the Federal Labor Relations Authority or its General Counsel when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel.

m. To provide officials of other Federal agencies information they need to know in the performance of their official duties related to reconciling or reconstructing data files, in support of the functions for which the records were collected and maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The records are maintained in file folders.

Retrievability:

These records are retrieved preliminarily by case number. An examination of case logs will disclose the name of an employee associated with a case number.

Safeguards:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

Retention and disposal:

a. Records pertaining to the following matters are disposed of at the end of the first fiscal year following completion of the fiscal year in which the action was taken: Informal actions based on conduct or performance; oral admonishments confirmed in writing; and written reprimands.

b. Records pertaining to the following matters are disposed of at the end of the third fiscal year following completion of the fiscal year in which the action was taken: Grievances processed under the negotiated or administrative grievance procedures; and appeals.

c. Records pertaining to the following matters are disposed of at the end of the fourth fiscal year following completion of the fiscal year in which the action was taken: Within-grade increase denials/postponements; suspensions, removals, and furloughs taken under authority of 5 U.S.C. Chapters 35 and 75; and requests for reconsideration/review.

d. Records pertaining to the following matters are disposed of at the end of the fifth fiscal year following completion of the fiscal year in which the action was taken: Removals, demotions, and reassignments based on unacceptable performance; and arbitrations.

System manager(s) and address:

Managing Director, Office of Managing Director, 1919 M Street NW., Washington, DC 20554.

Notification procedure:

Individuals subject to an action governed by this system of records will be provided access to the record upon request, subject to applicable law and regulation. Individuals should contact the System Manager for access. They must furnish the following information in writing for their records to be located and identified:

a. Name.

b. Date of birth.

c. Approximate opening and closing date of the case and the kind of action involved.

d. Organizational component involved.

Record access procedures:

Same as notification procedure.

Contesting record procedures:

Individuals wishing to request amendment of their records to correct factual errors should contact the System Manager in writing. The following information must be provided:

a. Name.

b. Date of birth.

c. Approximate opening and closing date of the case and the kind of action involved.

d. Organizational component involved.

Record source categories:

Information in this system of records is provided by:

a. The individual on whom the record is maintained.

b. Testimony of witnesses.

c. Supervisors and managers.

d. Union officials.

e. Arbitrators and other third-parties, such as the Department of Labor, Federal Labor Relations Authority, and Merit Systems Protection Board.

FCC/OMD-3

System name:

Federal Advisory Committee Membership File.

System location:

1919 M Street NW., Washington, DC 20554.

Categories of individuals covered by the system:

Members of Federal advisory committees sponsored or co-sponsored by FCC.

Authority for maintenance of the system:

Pub. L. 92-463, Federal Advisory Committee Act

Categories of records in the system:

Information showing individual name, business address, business telephone number, and occupation or title.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(1) To distribute information to members of each committee, convene meetings, and conduct general committee business; (2) to provide information to the public upon request; (3) to furnish information to the General Services Administration for use in compiling an annual report.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Records are grouped by name of committee and filed and retrieved thereunder by name of committee member.

Safeguards:

Paper records are maintained in file cabinets in offices which are locked at the end of each business day.

Retention and disposal:

Records are retained until the Committee is terminated, and then transferred to the Federal Records Center.

System manager(s) and address:

Managing Director, Office of the Managing Director, 1919 M Street NW., Washington, DC 20554.

Notification procedure:

Address inquiries to the system manager. Name of advisory committee should be included in the inquiry.

Record access procedures:

Same as notification procedure.

Contesting record procedures:

Same as notification procedure.

Record source categories:

Committee members.

FCC/OMD-4

System name:

Security Office Control Files.

System location:

1919 M Street NW., Washington, DC 20554.

Categories of individuals covered by the system:

Current and former FCC employees.

Categories of records in the system:

The system consists of cards, filed alphabetically, containing date of birth, place of birth, Social Security Number, classification as to position sensitivity, types and dates of investigations, investigative reports, dates and levels of clearances.

Authority for maintenance of the system:

Executive Orders 10450 and 12065.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records are used by FCC Security Officers and employees of the Security Office for administrative reference in connection with controlling position sensitivity and personnel clearances.

The following disclosures of information from this system may be made outside of the FCC:

1. To a Federal agency or the District of Columbia Government, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

2. To the security office of an agency in the executive, legislative, or judicial branch, or the District of Columbia Government, in response to its request for verification of security clearance, to FCC employees to have access to classified data or areas where their official duties require such access.

Blanket routine uses No. 1, 2, 4 and 5 in the Prefatory Statement are applicable to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained on cards.

Retrievability:

Records are retrieved by the name and date of birth of the individuals on whom they are maintained.

Safeguards:

The cards are stored within a secured area. The cards do not leave the security office.

Retention and disposal:

Cards are retained for twenty years after the individual leaves the agency and then are disposed of by burning.

System manager(s) and address:

Managing Director, Office of Managing Director, 1919 M Street NW., Washington, DC 20554.

Notification procedure:

Individuals wishing to inquire whether this system of records contains information about them should contact the appropriate system manager indicated above. Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Date of birth.

Record access procedures:

Individuals wishing to request access to records about them should contact the appropriate system manager indicated above. Individuals must furnish the following information for their record to be located and identified:

- a. Full name.
- b. Date of birth.

An individual requesting access must also follow FCC Privacy Act regulations regarding verification of identity and access to records (47 CFR 0.554 and 0.555).

Contesting record procedures:

Individuals wishing to request amendment of their records should contact the appropriate system manager indicated above. Individuals must furnish the following information for their record to be located and identified:

- a. Full name.
- b. Date of birth.

An individual requesting amendment must also follow the FCC Privacy Act regulations regarding verification of identity and amendment of records (47 CFR 0.556 and 0.557).

Record source categories:

- a. The individual to whom the information applies.
- b. Investigative files maintained by the OPM Division of Personnel Investigations.
- c. Employment information maintained by the Personnel officer.

FCC/OMD-5

System name:

State and Operational Areas Emergency Communications Committee Membership.

System location:

1919 M Street NW., Washington, DC 20554.

Categories of individuals covered by the system:

Chairmen and Vice Chairmen of State and Operational Area Emergency Communications Committees.

Categories of records in the system:

Information showing individual name, business address, business telephone number and title.

Authority for maintenance of the system:

Pub. L. 92-463, Federal Advisory Committee act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to forward appropriate information to State Committee members, each broadcast station in the State and to Federal, State and local government officials for Emergency Communications planning.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Records are filed by state and by name of committee member within the state.

Safeguards:

Records are maintained in file cabinets which are locked at the end of each business day.

Retention and disposal:

Records are retained indefinitely while the individual is a member of the committee; when member resigns, individual file material is destroyed.

System manager(s) and address:

Managing Director, Office of Managing Director, 1919 M Street NW., Washington, DC 20554.

Notification procedure:

Address inquiries to the system manager. Name of state must be provided with any request for information.

Record access procedures:

Same as notification procedure.

Contesting record procedures:

Same as notification procedure.

Record source categories:

Committee member.

FCC/OMD-6

System name:

Records of Money Received, Refunded, and Returned.

System location:

1919 M Street NW., Washington, DC 20554; Route 116, Gettysburg, PA 17326; and Room 213, 140 Baltimore Street, Gettysburg, PA 17325.

Categories of individuals covered by the system:

Individuals and companies making payments to cover good acquired, forfeitures assessed, fees collected and services rendered; refunds for incorrect payments or overpayments; (including travel advances, advance sick leave and advance annual leave) billing and collection of bad checks; and miscellaneous monies received by the Commission (including reimbursement for unauthorized use of telephone services).

Categories of records in the system:

Names, Social Security numbers, telephone numbers and addresses of individuals or companies, records of goods acquired or services rendered; forfeitures assessed and collected; amounts; dates; check numbers; locations; bank deposit information; transaction type information; United States Treasury deposit numbers; ship name and call sign; and information substantiating fees collected, refunds issued, and interest, penalties, and administrative charges assessed individuals.

Authority for maintenance of the system:

Budget and Accounting Act of 1921; Budget and Accounting Procedures Act of 1950; Consolidated Omnibus Budget Reconciliation Act of 1985 and 31 U.S.C. 3302.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The primary uses of the records are (a) to account for all monies received by the Commission from the public and refunded to the public; (b) to compute vouchers to determine amounts claimed and reimbursed; and (c) to account for all advances given to employees. Disclosure outside the Commission may be made (a) to Federal, State or local Government agencies performing a tax, investigative or regulatory function; and (b) to "debt collection agencies" acting under the terms and conditions of a contractual agreement. Blanket Routine Uses No. 1 thru 7 of the Prefatory Statement are applicable to this system.

Disclosure to consumer reporting agencies: Disclosures to Consumer Reporting Agencies:

Disclosures pursuant To 5 U.S.C. 552a (b) (12):

Disclosure may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a (f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701 (a) (3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper, computer printout, microfilm, microfiche, magnetic disc, and magnetic tape.

Retrievability:

By name and/or type of transaction; call sign; processing number, employer identification number, social security number, telephone number, soundex number, fee control number, payment, ID number or sequential number.

Safeguards:

Records are located in lockable metal file cabinets, metal vaults, and in metal file cabinets in secured rooms or secured premises, with access limited to those individuals whose official duties require access.

Retention and disposal:

Retained for one year following the end of the fiscal year; then transferred to the Federal Records Center and destroyed when 6 years and 3 months old.

System manager(s) and address:

Managing Director, Office of Managing Director, 1919 M Street NW., Washington, DC 20554.

Notification procedure:

Address inquiries to the system manager.

Record access procedures:

Address requests to the system manager.

Contesting record procedures:

Same as above.

Record source categories:

Subject individual and/or company; Federal Reserve Bank; agent of subject or company; or Attorney-at-Law.

Title 47-Telecommunications

Chapter I-Federal Communications Commission

PART 0-COMMISSION ORGANIZATION

Subpart E-Privacy Act Regulations

Sec.

- 0.551 Purpose and scope; definitions.
- 0.552 Notice identifying Commission systems of records.
- 0.553 New uses of information.
- 0.554 Procedures for requests pertaining to individual records in a system of records.
- 0.555 Disclosure of record information to individuals.
- 0.556 Request to correct or amend records.
- 0.557 Administrative review of an initial decision not to amend a record.
- 0.558 Advice and assistance.
- 0.559 Disclosure of disputed information to persons other than the individual to whom it pertains
- 0.560 Penalty for false representation of identity.
- 0.561 Exemptions.

Subpart E-Privacy Act Regulations

Authority: Secs. 4, 303, 49 Stat. as amended, 1066, 1082 (47 U.S.C. 154, 303).

Source: 40 FR 44512, Sept. 26, 1975, unless otherwise noted.

§ 0.551 Purpose and scope; definitions.

(a) The purpose of this subpart is to implement the Privacy Act of 1974, 5 U.S.C. 552(a), and to protect the rights of the individual in the accuracy and privacy of information concerning him which is contained in Commission records. The regulations contained herein cover any group of records under the Commission's control from which information about individuals is retrievable by the name of an individual or by some other personal identifier.

(b) In this subpart:

(1) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(2) "Record" means any item, collection or grouping of information about an individual that is maintained by the Commission, including but not limited to, such individual's education, financial transactions, medical history, and criminal or employment history, and that contains such individual's name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

(3) "System of Records" means a group of records under the control of the Commission from which information is retrievable by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(4) "Routine Use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected;

(5) "System Manager" means the Commission official responsible for the storage, maintenance, safekeeping, and disposal of a system of records.

[40 FR 44512, Sept. 26, 1975, as amended at 49 FR 13368, Apr. 4, 1984]

§ 0.552 Notice identifying Commission systems of records.

The Commission publishes in the **Federal Register** upon establishment or revision a notice of the existence and character of the systems of records, including for each system of records:

(a) The name and location of the system;

(b) The categories of individuals on whom records are maintained in the system;

(c) The categories of records maintained in the system;

(d) Each routine use of the records contained in the system, including the categories of users and the purposes of such use;

(e) The policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;

(f) The title and business address of the system manager;

(g) The address of the agency office to which inquiries should be addressed and the addresses of locations at which the individual may inquire whether a system contains records pertaining to himself;

(h) The agency procedures whereby an individual can be notified how access can be gained to any record pertaining to that individual contained in a system of records, and the procedure for correcting or contesting its contents; and

(i) The categories of sources of records in the system.

[40 FR 44512, Sept. 26, 1975, as amended at 49 FR 13368, Apr. 4, 1984]

§ 0.553 New uses of information.

Before establishing a new routine use of a system of records, the Commission will publish a notice in the **Federal Register** of its intention to do so, and will provide at least 30 days for public comment on such use. The notice will contain:

(a) The name of the system of records for which the new routine use is to be established;

(b) The authority for the system;

(c) The categories of records maintained;

(d) The proposed routine use(s); and

(e) The categories of recipients for each proposed routine use.

§ 0.554 Procedures for requests pertaining to individual records in a system of records.

(a) Upon request, the Commission will notify individuals as to whether it maintains information about them in a system of records and, subject to the provisions of § 0.555(b), will disclose the substance of such information to that individual. In order to properly request notification or access to record information, reference must be made to the Notice described in § 0.552. A table of contents, which is alphabetized by bureau or office, precedes the system descriptions and allows members of the public to easily identify record systems of interest to them. An individual may inquire into information contained in any or all systems of records described in the Notice. However, each inquiry shall be limited to information from systems located within a single bureau or office and shall be addressed to that bureau or office.

(b) Reasonable identification is required of all individuals making requests pursuant to paragraph (a) of this section in order to assure that disclosure of any information is made to the proper person.

(1) Individuals who choose to register a request for information in person may verify their identity by showing any two of the following: Social security card; drivers license; employee identification card; medicare card; birth certificate; bank credit card; or other positive means of identification. Documents incorporating a picture and/or signature of the individual shall be produced if possible. If an individual cannot provide suitable documentation for identification, that individual will be required to sign an identity statement stipulating asserting his identity and stipulating that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to \$5,000.

Note: An individual's refusal to disclose his social security number shall not constitute cause in and of itself, for denial of a request.

(2) All requests for record information sent by mail shall be signed by the requestor and shall include his printed name, current address and telephone number (if any). Commission officials receiving such requests will attempt to verify the identity of the requestor by comparing his or her signature to those in the record. If the record contains no signatures and if positive identification cannot be made on the basis of other

information submitted, the requestor will be required to sign an identity statement and stipulate that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to \$5000.

(3) If positive identification cannot be made on the basis of the information submitted, and if data in the record is so sensitive that unauthorized access could cause harm or embarrassment to the individual to whom the record pertains, the Commission reserves the right to deny access to the record pending the production of additional more satisfactory evidence of identity.

Note: The Commission will require verification of identity only where it has determined that knowledge of the existence of record information or its substance is not subject to the public disclosure requirements of the Freedom of Information Act, 5 U.S.C. 552, as amended.

(c) All requests for notification of the existence of record information or for access to such information shall be delivered to the business address of the system manager responsible for the system of records in question, except that requests relating to official personnel records shall be addressed to the Associate Managing Director—Personnel Management. Such addresses can be found in the **Federal Register** Notice described in § 0.552.

(d) A written acknowledgement of receipt of a request for notification and/or access will be provided within 10 days (excluding Saturdays, Sundays, and legal public holidays) to the individual making the request. Such an acknowledgement may, if necessary, request any additional information needed to locate a record. A search of all systems of records identified in the individual's request will be made to determine if any records pertaining to the individual are contained therein, and the individual will be notified of the search results as soon as the search has been completed. Normally, a request will be processed and the individual notified of the search results within 30 days (excluding Saturdays, Sundays, and legal holidays) from the date the inquiry is received. However, in some cases, as where records have to be recalled from Federal Record Centers, notification may be delayed. If it is determined that a record pertaining to the individual making the request does exist, the notification will state approximately when the record will be available for personal review. No separate acknowledgement is required if the request can be processed and the

individual notified of the search results within the ten-day period.

[40 FR 44512, Sept. 26, 1975, as amended at 49 FR 13368, Apr. 4, 1984]

§ 0.555 Disclosure of record information to individuals.

(a) Individual having been notified that the Commission maintains a record pertaining them in a system of records may request access to such record in one of three ways: By in person inspection at the system location; by transfer of the record to a nearer location; or by mail.

(1) Individuals who wish to review their records at the system location must do so during regular Commission business hours (8:00 a.m.-4:30 p.m., Monday through Friday). For personal and administrative convenience, individuals are urged to arrange to review a record by appointment. Preferences as to specific dates and times can be made by writing or calling the system manager responsible for the system of records in question at least two days in advance of the desired appointment date, and by providing a telephone number where the individual can be reached during the day in case the appointment must be changed. Verification of identity is required as in § 0.554(b)(1) before access will be granted an individual appearing in person. Individuals may be accompanied by a person of their own choosing when reviewing a record. However, in such cases, a written statement authorizing discussion of their record must take place in the presence of a Commission representative having physical custody of the records.

(2) Individuals may request that a records be transferred to a Commission field office or installation in the vicinity of his or her home and that access be granted at that location. The addresses of Commission field offices are listed in § 0.121. A request to transfer records must specify the exact location where the records should be sent and a telephone number to call when the information is available for review at the field location. Paragraph (a)(1) of this section regarding personal appointments, verification of identity accompanying persons, and disclosure of original records applies equally to this paragraph.

(3) Individuals may request that copies of records be sent directly to them. In such cases, the individual must verify their identity as in § 0.554(b)(2) and provide an accurate return address. Records shall be sent only to that address.

(b) The disclosure of record information under this section is subject to the following limitations:

(1) Records containing medical information pertaining to an individual are subject to individual access under this section unless, in the judgment of the system manager having custody of the records after consultation with a medical doctor, access to such record information could have an adverse impact on the individual. In such cases, a copy of the record will be delivered to a medical doctor named by the individual.

(2) Classified material, investigative material compiled for law enforcement purposes, investigatory material compiled solely for determining suitability for federal employment or access to classified information, and certain testing or examination material shall be removed from the records to the extent permitted in the Privacy Act of 1974, 5 U.S.C. 552(a). Section 0.561 of this subpart sets forth the systems of records maintained by the Commission which are either totally or partially exempt from disclosure under this subparagraph.

(c) No fee will be imposed if the number of pages of records requested is 25 or less. Requests involving more than 25 pages shall be submitted to the duplicating contractor (see § 0.456(a)).

(d) The provisions of this section in no way give an individual the right to access any information compiled in reasonable anticipation of a civil action or proceeding.

(e) In the event that a determination is made denying an individual access to records pertaining to that individual for any reason, such individual may either:

(1) Seek administrative review of the adverse determination. Such a request shall be in writing and should be addressed to the system manager who made the initial decision. In addition, the request for review shall state specifically why the initial decision should be reversed.

(2) Seek judicial relief in the district courts of the United States pursuant to paragraph (g)(1)(B) of the Act.

[40 FR 44512, Sept. 26, 1975, as amended at 49 FR 58858, Dec. 19, 1975; 49 FR 13369, Apr. 4, 1984]

§ 0.556 Request to correct or amend records.

(a) An individual may request the amendment of information contained in their record. Except as otherwise provided in this paragraph, the request to amend should be submitted in writing to the system manager responsible for the records. Requests to amend the

official personnel records of active FCC employees should be submitted to the Associate Managing Director—Personnel Management, Office of Managing Director, 1919 M Street NW, Washington, D.C. 20554. Requests to amend official personnel records of former FCC employees should be sent to the Assistant Director for Work Force Information, Compliance and Investigations Group, Office of Personnel Management, 1900 E Street NW, Washington, D.C. 20415. Any request to amend should contain, as a minimum:

(1) The identity verification information required by § 0.554(b)(2) and the information needed to locate the record as required by § 0.554(a).

(2) A brief description of the item or items of information to be amended; and

(3) The reason for the requested change.

(b) A written acknowledgement of the receipt of a request to amend a record will be provided within 10 days (excluding Saturdays, Sundays, and legal public holidays) to the individual requesting the amendment. Such an acknowledgement may, if necessary, request any additional information needed to make a determination. There will be no acknowledgement if the request can be reviewed, processed, and the individual notified of compliance or denial within the 10 day period.

(c) The responsible system manager or, in the case of official personnel records of active FCC employees, the Associate Managing Director—Personnel Management, shall (normally within 30 days) take one of the following actions regarding a request to amend:

(1) If the system manager agrees that an amendment to the record is warranted, the system manager shall:

(i) So advise the individual in writing;

(ii) Correct the record in compliance with the individual's request; and

(iii) If an accounting of disclosures has been made, advise all previous recipients of the fact that the record has been corrected and of the substance of the correction.

(2) If the system manager, after an initial review, does not agree that all or any portion of the record merits amendment, the system manager shall:

(i) Notify the individual in writing of such refusal to amend and the reasons therefore;

(ii) Advise the individual that further administrative review of the initial decision by the full Commission may be sought pursuant to the procedures set forth in § 0.557. (In cases where the request to amend involves official personnel records, review is available exclusively from the Assistant Director

for Work Force Information, Compliance and Investigation Group, Office of Personnel Management, Washington, D.C. 20415); and

(iii) Inform the individual of the procedures for requesting Commission review pursuant to § 0.557.

(d) In reviewing a record in response to a request to amend, the system manager shall assess the accuracy, relevance, timeliness, or completeness of the record in light of each data element placed into controversy and the use of the record in making decisions that could possibly affect the individual. Moreover, the system manager shall adjudge the merits of any request to delete information based on whether or not the information in controversy is both relevant and necessary to accomplish a statutory purpose required of the Commission by law or executive order of the President.

[40 FR 44512, Sept. 26, 1975, as amended at 45 FR 39850, June 12, 1980; 49 FR 13369, Apr. 4, 1984]

§ 0.557 Administrative review of an initial decision not to amend a record.

(a) Individuals have 30 days from the date of the determination not to amend a record consistent with their request to seek further administrative review by the full Commission. Such a request shall be in writing and should be addressed to either the system manager who made the initial adverse decision, or, in the case of official personnel records of active FCC employees, to the Assistant Director for Work Force Information, Compliance and Investigations Group, Office of Personnel Management, Washington, D.C. 20415. Any request for administrative review must:

(1) Clearly identify the questions presented for review (e.g., whether the record information in question is, in fact, accurate; whether information subject to a request to delete is relevant and necessary to the purpose for which it is maintained);

(2) Specify with particularity why the decision reached by the system manager is erroneous or inequitable; and

(3) Clearly state how the record should be amended or corrected.

(b) The Commission shall conduct an independent review of the record in controversy using the standards of review set out in § 0.556(d). It may seek such additional information as is necessary to make its determination. Final administrative review shall be completed not later than 30 days (excluding Saturdays, Sundays and legal public holidays) from the date on which the individual requests such review unless the Chairman determines that a

fair and equitable review cannot be made within the 30 day period. In such event, the individual will be informed in writing of the reasons for the delay and the approximate date on which the review is expected to be completed.

(c) If upon review of the record in controversy the Commission agrees with the individual that the requested amendment is warranted, the Commission will proceed in accordance with § 0.556(c)(1)(i)–(iii).

(d) If after the review, the Commission also refuses to amend the record as requested, it shall:

(1) Notify the individual in writing of its refusal and the reasons therefore;

(2) Advise the individual that a concise statement of the reasons for disagreeing with the decision of the Commission may be filed;

(3) Inform the individual:

(i) That such a statement should be signed and addressed to the system manager having custody of the record in question;

(ii) That the statement will be made available to any one to whom the record is subsequently disclosed together with, at the Commission's discretion, a summary of its reasons for refusing to amend the record; and

(iii) That prior recipients of the record will be provided a copy of the statement of dispute to the extent that an accounting of such disclosures is maintained; and

(4) Advise the individual judicial review of the Commission's decision not to amend the record in any district court of the United States is available

[40 FR 44512, Sept. 26, 1975, as amended at 49 FR 13368, Apr. 4, 1984]

§ 0.558 Advice and assistance.

Individuals who have questions regarding the procedures contained in this subpart for gaining access to a particular system of records or for contesting the contents of a record, either administratively or judicially, should write or call the Privacy Liaison Officer at the following address:

Federal Communications Commission, Office of General Counsel, 1919 M Street NW, Washington, D.C. 20554.

Individuals who request clarification of the Notice described in § 0.552 or who have questions concerning the characterization of specific systems of records as set forth therein, should write or call the Privacy Liaison Officer at the following address:

Federal Communications Commission, Records Management Division, Office of Managing Director, 1229 20th Street NW, Room BB-325, Washington, D.C. 20554.

[40 FR 44512, Sept. 26, 1975, as amended at 49 FR 13369, Apr. 4, 1984]

§ 0.559 Disclosure of disputed information to persons other than the individual to whom it pertains.

If the Commission determines not to amend a record consistent with an individual's request, and if the individual files a statement of disagreement pursuant to § 0.557(d)(2), the Commission shall clearly annotate the record so that the disputed portion becomes apparent to anyone who may subsequently have access to, use or disclose the record. A copy of the individual's statement of disagreement shall accompany any subsequent disclosure of the record. In addition, the Commission may include a brief summary of its reasons for not amending the record when disclosing the record. Such statements become part of the individual's record for granting access, but are not subject to the amendment procedures of § 0.556.

§ 0.560 Penalty for false representation of identity.

Any individual who knowingly and willfully requests or obtains under false pretenses any record concerning an individual from any system of records maintained by the Commission shall be guilty of a misdemeanor and subject to a fine of not more than \$5,000.

§ 0.561 Exemptions.

The following systems of records are totally or partially exempt from Subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from §§ 0.554-0.557 of this subpart:

(a) System name: Radio Operator Records—FCC/FOB-1. Parts of this system of records are exempt pursuant to section (k)(2) of the Act because they contain investigatory material compiled solely for law enforcement purposes.

(b) System name: Violators File (records kept on individuals who have been subjects of FCC field enforcement actions)—FCC/FOB-2. Parts of this system of records are exempt because they are maintained as a protective

service for individuals described in Section 3056 of title 18, and because they are necessary for Commission employees to perform their duties, pursuant to Sections (k) (1), (2), and (3) of the Act.

(c) System name: Attorney Misconduct Files—FCC/OGC-2. This system of records is exempt pursuant to Section 3(k)(2) of the Act because it is maintained for law enforcement purposes.

(d) System name: Licenses or Unlicensed Person Operating Radio Equipment Improperly—FCC. Parts of this system of records are exempt pursuant to Section 3(k)(2) of the Act because they embody investigatory material compiled solely for law enforcement purposes.

(e) System Name: Personnel Investigation Records—FCC/Central-6. Parts of these system of records are exempt because they embody investigatory material pursuant to Section 3(k)(2) and 3(k)(5) of the Act as applicable.

[40 FR 44512, Sept. 26, 1975, as amended at 49 FR 13368, Apr. 4, 1984]

FEDERAL DEPOSIT INSURANCE CORPORATION

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Appendix A—Federal Deposit Insurance Corporation Regional Offices 30-64-0001

System name:

Attorney—Legal Intern Applicant System—FDIC.

System location:

Office of the General Counsel, FDIC, 550 17th Street, NW, Washington, D.C. 20429.

Categories of individuals covered by the system:

Applicants for the position of attorney or legal intern with the General Counsel's office of the FDIC.

Categories of records in the system:

Contains correspondence from the applicants and individuals whose names were provided by the applicants as references, applicants' resumes, application forms, and, in some instances, comments of individuals who interviewed applicants, documents relating to an applicant's suitability or eligibility, and writing samples.

Authority for maintenance of the system:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in the system may be disclosed:

(1) In requesting information of individuals or concerns whose names were supplied by the applicant as references and/or past or present employers.

(2) To the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, an arbitrator, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions.

(3) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

(4) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, or in connection with criminal proceedings.

(5) To the appropriate federal, state, or local agency or authority responsible for investigating or prosecuting a violation of or for enforcing or implementing a statute, rule, regulation, or order, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Indexed by name; records of unsuccessful applicants are indexed first by job position category and year, then by name.

Safeguards:

Maintained in lockable metal file cabinets.

Retention and disposal:

Records of unsuccessful applicants are retained two years after their submission; records of successful applicants become a part of the FDIC's Unofficial Personnel System (FDIC 30-64-0015) and are retained two years after the successful applicant leaves the employ of the FDIC.

System manager(s) and address:

General Counsel, FDIC, 550 17th Street, NW, Washington, D.C. 20429.

Notification procedure:

Requests must be in writing and addressed to the Office of the Executive Secretary, FDIC, 550 17th Street, NW, Washington, DC 20429. Unsuccessful applicants or those individuals with applications pending before the FDIC who request their records must provide the job position name and year in which they applied.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

The information is obtained from the applicants, references supplied by the applicants, current and/or former employers of the applicants, and FDIC employees who interviewed the applicants.

Systems exempted from certain provisions of the act:

Pursuant to section 310.13(b) of the FDIC's Rules and Regulations, investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for FDIC employment may be withheld from disclosure to the extent that disclosure of such material would reveal the identity of a source who furnished information to the FDIC under a promise of confidentiality.

FDIC 30-64-0002

System name:

Financial Institutions Investigative and Enforcement Records System.

System location:

Supervision, Enforcement & Surveillance Branch, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington, DC 20429.

Categories of individuals covered by the system:

(1) Individuals who participate or have participated in the conduct of or who are or were connected with financial institutions, such as directors, officers, employees, and customers, and who have been named in criminal referrals, investigatory records, or administrative enforcement orders or agreements. Financial institutions include banks, savings and loan associations, credit unions, and other similar institutions, whether or not federally insured and whether or not established or proposed.

(2) Individuals, such as directors, officers, employees, proponents, controlling shareholders, or person seeking control of financial institutions, who are the subject of background checks designed to uncover criminal activities bearing on the individual's fitness to be a director, officer, employee, or controlling shareholder.

Categories of records in the system:

Contains, as pertinent, interagency or intra-agency correspondence or memoranda; criminal referral reports; newspaper clippings; federal, state, or local criminal law enforcement agency investigatory reports, indictments and/or arrest or conviction information; and administrative enforcement orders or agreements. Certain records contained in this system (principally criminal investigation reports prepared by the Federal Bureau of Investigation, Secret Service, and other federal law enforcement agencies) are the property of those agencies. Upon receipt of a request for such records, the FDIC will immediately notify the proprietary agency of the request and seek guidance with respect to disposition. The FDIC may forward the request to that agency for processing in accordance with that agency's regulations.

Authority for maintenance of the system:

Sections 5, 6, 7, 8, 9, 18, and 19 of the Federal Deposit Insurance Act (12 U.S.C. 1815, 1816, 1817, 1818, 1819, 1828, 1829).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in the system may be disclosed:

(1) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings.

(2) To the appropriate federal, state, or local agency or authority responsible for investigating or prosecuting a violation of or for enforcing or implementing a statute, rule, regulation, or order when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

(3) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

(4) To a financial institution affected by enforcement activities or reported criminal activities.

(5) To other financial institution supervisory authorities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Maintained on file cards, in file folders, and on computer discs.

Retrievability:

Indexed by name of the individual.

Safeguards:

Index cards and file folders are maintained in lockable metal file cabinets; computer discs are accessed only by authorized personnel.

Retention and disposal:

Records are retained for ten years from the date of the creation of the record, then destroyed by shredder. Records contained on computer discs are retained until no longer needed.

System manager(s) and address:

Associate Director, Supervision, Enforcement & Surveillance Branch, Division of Bank Supervision, FDIC, 550 17th Street, NW, Washington, DC 20429.

Notification procedure:

Requests must be in writing and addressed to the Office of the Executive Secretary, FDIC, 550 17th Street, NW, Washington, DC 20429. Individuals requesting their own records must provide their name and address and a notarized statement attesting to the individual's identity.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

Financial institution; financial institution supervisory or regulatory authorities; newspapers; criminal law enforcement and prosecuting authorities.

Systems exempted from certain provisions of the act:

Pursuant to section 310.13(a) of the FDIC's rules and regulations, investigatory material compiled as part of this system for law enforcement purposes is exempted from the provisions of section 310.10(d)(2) of the FDIC's rules and regulations and may be withheld from disclosure to the extent that such withholding is permissible under any of the exemptive provisions of the Freedom of Information Act (5 U.S.C. 552). Federal criminal law enforcement investigatory reports maintained as part of this system may be the subject of exemptions imposed by the originating agency pursuant to 5 U.S.C. 552a(j)(2).

FDIC 30-64-0003

System name: Administrative and Personnel Action System.

System location: Office of the Executive Secretary, FDIC, 550 17th Street NW., Washington, DC 20429. A security copy of certain microfilmed portions of the records is located at 4801 Massachusetts Avenue NW., Washington, DC 20016.

Categories of individuals covered by the system: Individuals who have been the subject of administrative actions or personnel actions by the FDIC Board of Directors or by standing committees of the FDIC and individuals who have been the subject of administrative actions by other officials under delegated authority.

Categories of records in the system: Contains minutes of the meetings of the Board of Directors or standing committees and orders of the Board of Directors, standing committees, or other officials as well as annotations of entries into the minutes and orders.

Authority for maintenance of the system: Sections 8, 9, and 19 of the Federal Deposit Insurance Act (12 U.S.C. 1818, 1819, 1829).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in the system may be disclosed to a congressional office in response to an inquiry made at the request of an individual to whom the record pertains.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Index cards, computer discs, minute ledgers, file folders, and microfilm.

Retrievability: Indexed by name.

Safeguards: Index cards are stored in lockable metal file cabinets; computer discs are accessed only by authorized personnel, minute ledgers, file folders, and microfilm are stored in a vault.

Retention and disposal: Permanent.

System manager(s) and address: Executive Secretary, FDIC, 550 17th Street NW., Washington, DC 20429.

Notification procedure: Requests must be in writing and addressed to the Office of the Executive Secretary, FDIC, 550 17th Street NW., Washington, DC 20429. Individuals requesting their own records must provide their name and address.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: Intra-agency records.

Systems exempted from certain provisions of the act: None.

FDIC 30-64-0004

System name:

Changes in Bank Control Ownership Records.

System location:

Supervision, Enforcement & Surveillance Branch, Division of Bank Supervision, FDIC, 550 17th Street, NW, Washington, DC 20429.

Categories of individuals covered by the system:

Individuals who have been involved in a change of bank control or ownership of FDIC-insured banks or who filed or were a member of a group that filed a Notice of Acquisition of Control of an FDIC-insured bank.

Categories of records in the system:

For proposed transactions, the names of proposed acquirers; name and location of the bank; number of shares to be acquired and outstanding; date Change in Control Notice was accepted by the FDIC regional office; name and location of the newspaper in which the notice was published and date of publication. For consummated transactions, names of sellers/transferrers; names of purchasers/transferees and number of shares owned after transaction; date of transaction on bank's books; number of shares acquired and outstanding. If stock of a holding company is involved, the name and location of the holding company and the bank it controls.

Authority for maintenance of the system:

Sec. 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The information in the system is available to the general public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained on file cards, in file folders, and on computer discs.

Retrievability:

Indexed by name of the individual.

Safeguards:

Index cards and file folders are maintained in lockable metal file cabinets; computer discs are accessed only by authorized personnel.

Retention and disposal:

Records are retained until no longer needed.

System manager(s) and address:

Associate Director, Supervision, Enforcement & Surveillance Branch, Division of Bank Supervision, FDIC, 550 17th Street, NW, Washington, DC 20429.

Notification procedure:

Requests must be in writing and addressed to the Office of the Executive Secretary, FDIC, 550 17th Street, NW, Washington, DC

20429. Individuals requesting their own records must provide their name and address.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

Persons who are acquiring control of an FDIC-insured bank, the bank or holding company in which control is changing or has changed; state and federal financial institution supervisory authorities.

Systems exempted from certain provisions of the act:

None.

FDIC 30-64-0005

System name:

Consumer Complaint and Inquiry System.

System location:

Office of Consumer Affairs, FDIC, 550 17th Street NW., Washington, DC 20429, and designated FDIC regional offices (supervision) for complaints or inquiries originating within or involving a bank located in an FDIC region. A list of FDIC's regional offices (supervision) is available from the Corporate Communications Office, FDIC, 550 17th Street NW., Washington, DC 20429, (202) 898-6996.

Categories of individuals covered by the system:

Individuals who have filed complaints or inquiries concerning activities and practices of FDIC-insured banks.

Categories of records in the system:

Contains correspondence and records of other communications between the FDIC and the individuals filing complaints or making inquiries, including copies of supporting documents supplied by the individual. May contain correspondence between the FDIC and the bank in question and/or intraagency or interagency memoranda or correspondence.

Authority for maintenance of the system:

Sec. 202(f) of title II of the Federal Trade Improvement Act (15 U.S.C. 57a(f)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in the system may be disclosed:

(1) To the institution which is the subject of the complaint or inquiry when necessary to investigate or resolve the complaint or inquiry.

(2) To third party sources during the course of the investigation in order to resolve the complaint or inquiry. Information that may be disclosed under this routine use is limited to the name of the complainant or inquirer and the nature of the complaint or inquiry.

(3) To the federal or state supervisory authority that has direct supervision over the financial institution that is the subject of the complaint or inquiry.

(4) To the appropriate federal, state, or local agency or authority responsible for investigating or prosecuting a violation of or for enforcing or implementing a statute, rule, regulation, or order issued when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

(5) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings.

(6) To a congressional office in response to an inquiry made at the request of the individual to whom the records pertain.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders and on computer discs and tapes.

Retrievability:

Indexed by name of complainant or inquirer and/or specialized identifying number.

Safeguards:

Maintained in lockable metal file cabinets; computer tapes and discs are accessed by authorized personnel.

Retention and disposal:

Records are retained by the Office of Consumer Affairs for two years after receipt unless updated by correspondence received during the previous year. Retention periods in the designated FDIC regional

offices vary but may be ascertained by contacting the appropriate system manager.

System manager(s) and address:

Director, Office of Consumer Affairs, FDIC, 550 17th Street, NW., Washington, D.C. 20429. The appropriate FDIC regional director (supervision) for records maintained in FDIC regional offices.

Notification procedure:

Requests must be in writing and addressed to the Office of the Executive Secretary, FDIC, 550 17th Street, NW., Washington, D.C. 20429. The request must contain the name and address of the complainant or inquirer.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

The information is obtained from the individual on whom the record is maintained; institutions that are the subject of the complaint; the appropriate agency, whether federal or state, with supervisory authority over the institution; congressional offices that may initiate the inquiry; and other parties providing information to the FDIC in an attempt to resolve the complaint or inquiry.

Systems exempted from certain provisions of the act:

None.

FDIC 30-64-0006

System name:

Employee Financial Disclosure Statement System.

System location:

Confidential Statements of Employment and Financial Interests, Reports of Interest in Bank Securities and Interest in FDIC Decision, Confidential Reports of Employment Upon Resignation, Employee Certification and Acknowledgement of FDIC Standards of Conduct Regulation, Statement of Credit Card Obligation in Insured State Nonmember Bank and Acknowledgement of Conditions for Retention—Notice of Disqualification, and related records are located in designated divisional, regional, or consolidated offices to which individuals covered by the system are assigned. Duplicate copies of the above records are maintained in the Office of the Executive Secretary, FDIC, 550-17th Street, NW., Washington, DC 20429, for the purpose of certification of review and resolution of conflicts of interest disclosed therein. Confidential Reports of Indebtedness and related records are located in the Office of the Executive Secretary. A list of the FDIC's divisional and regional offices is available from the Office of Corporate Communications, FDIC, 550-17th Street, NW., Washington, DC 20429, (202) 898-6996. A list of the FDIC's consolidated offices is available from the Operations Branch, Division of Liquidation, FDIC, 550-17th Street, NW., Washington, DC 20429.

Categories of individuals covered by the system:

Current and Former FDIC officers, employees, and special government employees required to file any of the following forms: (1) Confidential Statement of Employment and Financial Interests; (2) Confidential Report of Indebtedness; (3) Report of Interest in Bank Securities and Interest in FDIC Decision; (4) Confidential Report of Employment Upon Resignation; (5) Employee Certification and Acknowledgement of FDIC Standards of Conduct Regulation; (6) Statement of Credit Card Obligation in Insured State Nonmember Bank and Acknowledgement of Conditions for Retention—Notice of Disqualification.

Categories of records in the system:

Information in this system includes data directly furnished by the individual on the following six forms or related records that may be generated in the course of the FDIC's administration of Executive Orders 11222 and 12565 and/or 12 CFR Part 336:

(1) Confidential Statement of Employment and Financial Interests—Contains statements of personal and family holdings, interests in business enterprises and real property, creditors, and outside employment.

(2) Confidential Report of Indebtedness—Contains information on extensions of credit (loans and credit cards) by FDIC-insured banks and affiliates of FDIC-insured banks and non-insured banks; may also contain memoranda and correspondence relating to requests for approval of certain loans extended by insured banks or affiliates thereof.

(3) Report of Interest in Bank Securities and Interest in FDIC Decision—Contains information on whether or not an employee owns or controls, directly or indirectly, any securities of insured banks or affiliates thereof, and if so, lists specific securities, the nature

and extent of such interests and the manner of acquisition, contains information on other outside interests which may have an impact on an employee's official duties, and may contain memoranda and correspondence relating to requests for approval or retention of bank securities by employees.

(4) **Confidential Report of Employment Upon Resignation**—Contains information as to the employee's prospective employer, the nature of the business or organizational activities of the prospective employer, the position the employee will occupy, dates of negotiation for such employment, and the employee's official involvement, in any, with the prospective employer.

(5) **Employee Certification and Acknowledgement of FDIC Standards of Conduct Regulation**—Contains employee's certification and acknowledgement that he or she has received a copy of the standards of conduct, has viewed the FDIC Orientation Ethics Video, and has a positive responsibility to comply with the standards of conduct.

(6) **Statement of Credit Card Obligations in Insured State Non-member Bank and Acknowledgement of Conditions for Retention—Notice of Disqualification**—Contains a Division of Bank Supervision employee's disclosure of credit extended through the use of a credit card by a bank headquartered outside of the employee's region of assignment and acknowledgement of disqualification from participating in any matter affecting the creditor.

Authority for maintenance of the system:

Section 402 of E.O. 11222, 3 CFR 306 (1964-1965), as amended by E.O. 12565, 3 CFR 229 (1987); section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in this system may be disclosed, where the Director of the U.S. Office of Government Ethics or the Chairman of the FDIC's Board of Directors determines that good cause has been shown for such use:

(1) To the appropriate federal, state, or local agency or authority responsible for investigating or prosecuting a violation of or for enforcing or implementing a statute, rule, regulation, or order when the information indicates a violation or potential violation of law whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute or by regulation, rule, or order issued pursuant thereto.

(2) To a congressional office in response to an inquiry made at the request of the individual.

(3) To any source where necessary to obtain information relevant to a conflict-of-interest investigation or determination.

(4) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation or settlement negotiations, or in connection with the criminal proceedings.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Indexed by name, and, in the Office of the Executive Secretary, on an automated system also indexed by name.

Safeguards:

Maintained in lockable metal file cabinets in lockable offices and, in the Office of the Executive Secretary, on a password-protected automated index system.

Retention and disposal:

Retained for six years and then destroyed by shredding except that documents needed in an ongoing investigation will be retained until no longer needed in the investigation.

System manager(s) and address:

Ethics Counselor, Federal Deposit Insurance Corporation, 550 17th Street, NW, Washington, DC 20429.

Notification procedure:

Requests must be in writing and addressed to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW, Washington, DC 20429. The request must contain the name and office of the individual covered by the system.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

The information is obtained from the individual on whom the record is maintained or a person designated by him or her and from the FDIC's Ethics Counselor and support personnel. Information may also be obtained from the other parties to whom the FDIC has supplied information in connection with evaluating the records maintained in the Employee Financial Disclosure Statements system.

Systems exempted from certain provisions of the act:

None.

30-64-0007

System name:

Employee Education System—FDIC.

System location:

Employee Development Branch, Office of Personnel Management, FDIC, 550 17th Street, NW, Washington, D.C. 20429; Division of Bank Supervision Training Center, FDIC, 1701 N. Fort Myer Drive, Arlington, Virginia 22209, for all FDIC bank examiners; the appropriate FDIC regional office for employees assigned to an FDIC region. (See Appendix A for the location of FDIC regional offices.)

Categories of individuals covered by the system:

All present and former FDIC employees.

Categories of records in the system:

Contains the educational history of employees prior to their employment with the FDIC, and educational progression of employees while employed by the FDIC. Information includes employee's schools of attendance, courses completed or enrolled in, dates of attendance, tuition fees and expenses, and may include per diem and travel expenses.

Authority for maintenance of the system:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Exec. Order No. 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure may be made: (1) To the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, an arbitrator, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (2) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; (3) to educational institutions for purposes of enrollment and verification of employee attendance and performance; and (4) to vendors, carriers, or other appropriate third parties, by the FDIC Office of Corporate Audits, for the purpose of verification, confirmation, or substantiation during the performance of audits or investigations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders and computer discs.

Retrievability:

File folders—alphabetically by name; computer discs—social security number.

Safeguards:

File folders are stored in lockable metal file cabinets; computer discs are accessed only by authorized personnel.

Retention and disposal:

Permanent retention.

System manager(s) and address:

Director, Office of Personnel Management, FDIC, 550 17th Street, NW, Washington, D.C. 20429; Director, Division of Bank Supervision, FDIC, 550 17th Street, NW, Washington, D.C. 20429, for records maintained at Division of Bank Supervision Training Center; the appropriate FDIC regional director for records maintained in FDIC regional offices. (See Appendix A for the location of FDIC regional offices.)

Notification procedure:

Executive Secretary, FDIC, 550 17th Street, NW, Washington, D.C. 20429.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

The information is obtained from the employee on whom the record is maintained and the training institution in which the employee is enrolled.

Systems exempted from certain provisions of the act:

None.

30-64-0008

System name:

Chain Bank Report.

System location:

Division of Bank Supervision, FDIC, 550 17th Street, NW, Washington, DC, 20429, and FDIC regional offices. (See Appendix A for the location of FDIC regional offices.)

Categories of individuals covered by the system:

Individuals who directly, indirectly, or in concert with others, own or control a chain banking organization (two or more financial institutions).

Categories of individuals covered by the system:

Contains names of individuals, information relating to the person's ownership or control of banks or other financial institutions and information relating to the bank or financial institution, such as name, location, charter type, and date of last examination.

Authority for maintenance of the system:

12 U.S.C. 1817(j), 1819 and 1820(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in the system may be disclosed:

(1) To other financial institution supervisory authorities for: (a) Coordination of examining resources when the chain banking organization is composed of banks of financial institutions subject to multiple supervisory jurisdiction; (b) coordination of evaluations and analysis of the condition of the consolidated chain organization; and (c) coordination of supervisory, corrective or enforcement actions.

(2) To the appropriate Federal, State or local agency or authority responsible for investigating or prosecuting a violation of or for enforcing or implementing a statute, rule regulation or order, when the information indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or by regulation, rule or order issued pursuant thereto.

(3) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings.

(4) To a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Information is maintained in word processing or microprocessing programs or hard copy printouts stored in file cabinets.

Retrievability:

Indexed by name of controlling individual(s).

Safeguards:

Information in word processing or microprocessing programs is accessed only by authorized personnel; hard copy printouts will be stored in lockable file cabinets or offices.

Retention and disposal:

Records are generally maintained in electronic storage disks in an on-line capacity until needed. Certain records are archived in off-line storage. All records, including those in printout form, are periodically updated to reflect changes and maintained as long as needed.

System manager(s) and address:

Director, Division of Bank Supervision, FDIC, 550 17th Street, NW, Washington, DC 20429, and for the regional office, the regional director (see Appendix A).

Notification procedure:

Requests must be in writing and addressed to the Office of the Executive Secretary, FDIC, 550 17th Street, NW, Washington, DC 20429. The request must contain (1) the requestor's name and address and (2) the name and location of the controlled banks.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

Examination reports and related materials; regulatory filings, and Change in Bank Control Notices filed pursuant to 12 U.S.C. 1817(j).

Systems exempted from certain provisions of the act:

None.

30-64-0009

System name:

Examiner, Training and Education Records—FDIC.

System location:

Division of Bank Supervision Training Center, FDIC, 1701 N. Fort Myer Drive, Arlington, Virginia 22209.

Categories of individuals covered by the system:

FDIC assistant examiners who have been candidates for determination of progress to become a commissioned bank examiner (progress evaluation candidates). FDIC examiners who attend, or have attended, graduate schools of banking (graduate school of banking students).

Categories of records in the system:

Progress Evaluation Candidates—contains a statement of the candidate's education, home address, date and place of birth, and experience, a report of evaluation of a progress evaluation panel, the consolidated findings of each progress evaluation panel member, the candidate's case studies, basic work papers, and responses, and, in the case of an unsuccessful candidate, the candidate's complete work papers and responses, as well as the individual findings of each progress evaluation panel member.

Graduate school of banking students—contains the student's name, enrollment data, record of attendance, record of completion or graduation and general correspondence between the FDIC and the student's school of enrollment.

Authority for maintenance of the system:

Sec. 10(b) of the Federal Deposit Insurance Act (12 U.S.C. 1820(b)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure may be made to: (1) The United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, an arbitrator, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (2) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; (3) to educational institutions for purposes of enrollment and verification of employee attendance and performance; and (4) to vendors, carriers, or other appropriate third parties, by the FDIC Office of Corporate Audits, for the purpose of verification, confirmation, or substantiation during the performance of audits or investigations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Indexed by name.

Safeguards:

Maintained in lockable metal file cabinets.

Retention and disposal:

Progress evaluation candidates' records maintained for two years for the successful candidate and then destroyed by shredder, records of unsuccessful candidate retained until the candidate's successful completion or until the candidate leaves the FDIC's employ. Graduate school of banking student records are permanently retained.

System manager(s) and address:

Director, Division of Bank Supervision, FDIC, 550 17th Street, NW, Washington, D.C. 20429.

Notification procedure:

Executive Secretary, FDIC, 550 17th Street, NW, Washington, D.C. 20429.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

Progress evaluation candidates—the candidate, the candidate's personnel record, and members of the candidate's progress evaluation panel. Graduate school of banking students—the student, the student's school, and the student's personnel record.

Systems exempted from certain provisions of the act:

Pursuant to section 310.13(c) of the FDIC's rules and regulations, testing material used solely to assess individual qualifications for appointment or promotion, the disclosure of which would compromise the objectivity or fairness of the testing, evaluation or examination process, may be withheld from disclosure.

FDIC 30-64-0010**System name:**

Investigative Files and Records.

System location: Office of Inspector General, FDIC, 550 17th Street, NW, Washington, DC 20429.

Categories of individuals covered by the system: Employees of the FDIC or other persons involved in the FDIC's programs or operations who are or have been under investigation by the FDIC's Office of Inspector General in order to determine whether such employees or other persons have been or are engaging in fraud and abuse with respect to the FDIC's programs or operations.

Categories of records in the system: Contains complete files on individual investigations including investigation reports and related documents generated during the course of or subsequent to the investigation.

Authority for maintenance of the system: Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); sec. 8E of the Inspector General Act of 1978, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in the system may be disclosed:

(1) To the appropriate federal, state, or local agency or authority responsible for investigating or prosecuting a violation of or for enforcing or implementing a statute, rule, regulation, or order issued when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

(2) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings.

(3) To a congressional office in response to an inquiry made at the request of the individual to whom the records pertain.

(4) To a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary for the FDIC to obtain information concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, the issuance of a license, grant, or other benefit.

(5) To respond to a federal agency's request made in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or issuance of a grant, license, or other benefit by the requesting agency, but only to the extent that the information disclosed is necessary and relevant to the requesting agency's decision on the matter.

(6) To other federal Offices of Inspector General for the purpose of requesting peer review of FDIC Office of Inspector General investigations, provided the record is transferred in a form that is not individually identifiable.

In addition to the foregoing, a record which is contained in this system and derived from another FDIC system of records may be disclosed as a routine use as specified in the Federal Register notice of the system of records from which the records derived.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders and computer discs.

Retrievability: Indexed by name of person under investigation, investigation number, referral number, or investigative subject matter.

Safeguards: File folders are maintained in lockable metal file cabinets stored in offices that are locked after hours. Computer discs are accessed only by authorized personnel.

Retention and disposal: File folders are retained as long as needed and then destroyed by shredding. Computer discs are cleared, retired, or destroyed when no longer useful.

Notification procedure: Requests must be in writing and addressed to the Office of the Executive Secretary, FDIC, 550-17th Street, NW, Washington, DC 20429. Individuals requesting their own records must provide their name and address and a notarized statement attesting to the individual's identity.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories: Subject individuals, employees of the FDIC, other government employees, and witnesses and informants.

Systems exempted from certain provisions of the act: Pursuant to section 310.13(a) of the FDIC's rules and regulations, investigatory material compiled as part of this system for law enforcement purposes is exempted from the provisions of sections 310.3 through 310.9 and section 310.10(d)(2) of the FDIC's rules and regulations and may be withheld from disclosure to the extent that such withholding is permissible under any of the exemptive provisions of the Freedom of Information Act (5 U.S.C. 552). Pursuant to section 310.13(b) of the FDIC's rules and regulations, investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for FDIC employment is exempted from the provisions of sections 310.3 through 310.9 and section 310.10(d)(2) of the FDIC's rules and regulations and may be withheld from disclosure to the extent and disclosure of such material would reveal the identity of a source who furnished information to the FDIC under a promise of confidentiality and to the extent that such withholding is permissible under any of the exemptive provisions of the Freedom of Information Act.

30-64-0011

[Reserved]

30-64-0012

System name:

Financial Information System—FDIC.

System location:

Fiscal and Facilities Management Branch, Division of Accounting and Corporate Services, FDIC, 550 17th Street, NW, Washington, D.C. 20429, and the appropriate FDIC regional offices. (See Appendix A for the location of FDIC regional offices.) Information pertaining to State or Federal tax liens bankruptcies, attachments, and wage garnishments also is maintained in the Legal Division, FDIC, 550 17th Street, NW, Washington, D.C. 20429.

Categories of individuals covered by the system: All current and former FDIC employees, and all individuals providing goods and/or services to the FDIC under contractual arrangements.

Categories of records in the system:

Consists of the following information on all FDIC employees: Mailing addresses and home addresses; rate and amount of pay; hours worked; leave accrued and leave balances; life insurance, health insurance, and retirement deductions; tax exemptions; and payroll deduction authorizations (including, where applicable, deductions for savings bonds, States or Federal tax liens, bankruptcies, attachments and wage garnishments which have been legally executed by the appropriate taxing or judicial authority). Record relating to employee claims for reimbursement of official travel expenses, including travel authorizations, advances, and vouchers showing amounts claimed, exceptions taken as a result of audit, advance balances applied, and amounts paid. Other records maintained on employees, where applicable, include records relating to claims for reimbursement for relocation expense including authorization, advances, vouchers showing amounts claimed and amounts paid; records pertaining to reimbursement for educational expense or professional membership dues; records relating to incentive award payments; and records relating to advances or other funds owed to the Corporation. Records on individuals who are not employees of the FDIC consist of all documents relating to the purchase of goods and/or services from those individuals including contractual documents and amounts paid.

Authority for maintenance of the system:

Sections 9 and 10(a) of the Federal Deposit Insurance Act (12 U.S.C. 1819 and 1820(a)); Exec. Order No. 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (November 22, 1943); Travel Expense Act of 1949 (5 U.S.C. 5701-5709).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(1) Records are periodically made available for inspection to auditors employed by the General Accounting Office.

(2) In the event that information contained in this system of records indicates a violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal or State, charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(3) In the event of litigation, the records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence or to counsel for the presentation of evidence and/or in the course of discovery.

(4) Disclosure may be made to the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, an arbitrator, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions.

(5) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

(6) Disclosure may be made to the United States Treasury Department for preparations of savings bonds.

(7) Information developed from these records is routinely provided to State, City and Federal income tax authorities, including, at the Federal level, the Internal Revenue Service and the Social Security Administration, and to other recipients, as authorized by the employee, including the United States Treasury Department, savings institutions, insurance carriers, and charity funds.

(8) Disclosure may be made by the FDIC Office of Corporate Audits to vendors, carriers, or other appropriate third parties for the purpose of verification, confirmation, or substantiation during the performance of audits or investigations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders, record cards, and computer discs.

Retrievability:

File folders and record cards are indexed by name; computer discs are indexed by social security number or specialized identifying number.

Safeguards:

File folders and record cards are stored in lockable metal file cabinets; computer discs are accessed only by authorized personnel.

Retention and disposal:

Financial payment, payroll deduction, and official travel expense and reimbursement records are retained by the FDIC for three years and then transferred to the Federal Records center or destroyed. Year-end trial balances (the individual earnings record) are retained during employment and then transferred to the Federal Records Center and maintained indefinitely. Deduction authorizations and documents used to develop payroll and employee financial records are retained for the period of use and up to three additional years, after which they are destroyed.

System manager(s) and address:

Director, Division of Accounting and Corporate Services, FDIC, 550 17th Street, NW, Washington, D.C. 20429. The appropriate FDIC regional director for records maintained in FDIC regional offices. (See Appendix A for the location of FDIC Regional Offices.) General Counsel, FDIC, 550 17th Street, NW, Washington, D.C. 20429, for records maintained by the Legal Division.

Notification procedure:

Executive Secretary, FDIC, 550 17th Street, NW, Washington, D.C. 20429.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

The information is obtained from the employee or person on whom the record is maintained. Where an employee is subject to a tax lien, a bankruptcy, an attachment, or a wage garnishment, information also is obtained from the appropriate taxing or judicial entity.

Systems exempted from certain provisions of the act:

None.

FDIC 30-64-0013

System name:

Insured Bank Liquidation Records.

System location:

Designated FDIC regional offices (liquidation), consolidated field offices, and sites of failed FDIC-insured institutions. A list of the designated locations is available from the Operations Branch of the FDIC's Division of Liquidation, 550 17th Street, NW, Washington, DC 20429.

Categories of individuals covered by the system:

Individuals who were obligors of FDIC-insured institutions that have failed or that were provided open-bank assistance by the FDIC and for which the FDIC is acting as liquidator or receiver of certain of the institutions' assets.

Categories of records in the system:

Contains the obligor's credit or loan files held by the closed or assisted institution, which files may include the loan and related documents, correspondence, and bank officer notes; FDIC asset files, including information relating to the obligor's financial condition, such as financial statements, income tax returns, asset or collateral verifications, appraisals, and sources of payment; intra-agency memoranda or notes relating to the liquidation of the obligation; correspondence; and any other documents related to the liquidation of the asset. Records held by the FDIC as receiver are a part of this system only to the extent that the state law governing the receivership is not inconsistent or does not otherwise establish specific requirements.

Authority for maintenance of the system:

12 U.S.C. 1819, 1821, 1823; applicable state laws governing the liquidation of assets of failed financial institutions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in the system may be disclosed:

(1) To prospective purchasers of the individual's obligation(s) for the purpose of informing the prospective purchasers about the nature and quality of obligation(s) to be purchased.

(2) To persons performing services for the FDIC in connection with the liquidation of an individual's obligations, such as appraisers, outside counsel, and collection agencies, and auditing or accounting firms retained to assist in an audit or investigation of FDIC's liquidation activities.

(3) To participants in the obligation in order to fulfill any contractual or incidental responsibilities in connection with the participation agreement.

(4) To Federal or state agencies, such as the Farmers Home Administration, or to financial institutions where information is relevant to an application or request by the individual for a loan, grant, financial benefit, or other entitlement.

(5) To Federal or state agencies, such as the Internal Revenue Service or state taxation authorities, in the performance of their governmental duties, such as obtaining information regarding income, including the reporting of income resulting from a compromise of an obligation.

(6) To apprise courts of competent jurisdiction supervising the FDIC's liquidation or receivership functions of information required by statute to be disclosed to the court and necessary to obtain approvals from the court for the disposal of assets and the disposition of claims and other related issues.

(7) To Federal or state bank examiners for the purposes of examining borrowing relationships in operating banks that may be related to an obligation of an individual covered by this system.

(8) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings.

(9) To the appropriate federal, state, or local agency or authority responsible for investigating or prosecuting a violation of or for enforcing or implementing a statute, rule, regulation, or order, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

(10) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

(11) To the parties, the parties' counsel or other representatives, the parties' insurance carriers or underwriters of bankers blanket bonds or financial institutions bonds for failed or assisted FDIC-insured banks in conjunction with claims made by the FDIC or

others on behalf of the FDIC against former officers, directors, accountants, lawyers, consultants, appraisers, or underwriters of bankers blanket bonds of a failed or assisted FDIC-insured institutions.

Disclosure to consumer reporting agencies:

Disclosures may be made from this system, pursuant to 5 U.S.C. 552a(b)(12), to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders and on computer discs and tapes.

Retrievability:

Indexed by name of failed or assisted insured institution and by name of the individual.

Safeguards:

File folders are stored in lockable file cabinets and/or in secured vault areas accessed only by authorized personnel. Computer records are accessed only by authorized personnel.

Retention and disposal:

Credit or loan files of the failed or assisted bank are maintained for the period of time provided under applicable state or Federal laws pursuant to which the FDIC liquidates the obligations. FDIC asset files and information maintained in an online capacity are retained as long as needed.

System manager(s) and address:

The appropriate FDIC regional director (liquidation) for records maintained in FDIC regional offices; the appropriate FDIC Bank Liquidation Specialist-in-Charge for records maintained in consolidated field offices or at the site of a failed or assisted institution.

Notification procedure:

Requests must be in writing and addressed to the Office of the Executive Secretary, 550 17th Street, NW, Washington, DC 20429. The request must contain the individual's name and address and the name and address of the failed or assisted institution at which the individual has an obligation.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

Information is obtained from the individual on whom the record is maintained; appraisers retained by the originating bank or the FDIC; investigative and/or research companies; credit bureaus and/or services; references named by the individual; attorneys or accountants retained by the originating bank or the FDIC; participants in the obligation(s) of the individual; officers and employees of the failed or assisted bank; congressional offices that may initiate an inquiry; and other parties providing services to the FDIC in its capacity as liquidator or receiver.

Systems exempted from certain provisions of the act:

None.

30-64-0014

[Reserved]

FDIC 30-64-0015

System name: Unofficial Personnel System

System location: Office of Personnel Management, FDIC, 550-17th Street, NW., Washington, DC 20429. In addition, records are maintained at the division or office levels in the FDIC Washington office, at the FDIC regional offices, and may be maintained at FDIC field offices. A list of the FDIC's regional offices is available from the Corporate Communications Office, FDIC, 550-17th Street NW., Washington, DC 20429. A list of the field offices may be obtained from the Director, Division of Bank Supervision, FDIC, 550-17th Street NW., Washington, DC 20429 in the case of supervision field offices, and the Operations Branch of Division of Liquidation, FDIC, 550-17th Street NW., Washington, DC 20429 in the case of liquidation field offices.

Categories of individuals covered by the system: All current and former FDIC employees and applicants to and graduates of the FDIC upward mobility program.

Categories of records in the system: This system consists of personnel-related records that are maintained in addition to those kept in the official personnel folder pursuant to the Federal Personnel

Manual Suppl. 296-31, table 8, sec. 1. (The United States Office of Personnel Management has Privacy Act responsibility for those systems of records which are government-wide in nature, and it requires agencies to maintain them. Included among these is the Official Personnel Folder. While OPM has designated the FDIC as being responsible for disclosing to its current employees the contents of their Official Personnel Folder, notice of the existence and character of this system is published by the United States Office of Personnel Management as "General Personnel Records," OPM/GOVT-1.) This system contains records of various types. They are: (1) Records maintained in the Washington, regional, and field offices which may contain information on individuals relating to: birth date; social security number; past and present salaries, grades, and position titles; home address and telephone number; emergency contacts, addresses and telephone numbers; employment and education experience, original applications, resumes, and letters of reference; record of equipment and material issued to the individual; record of leave and time-and-attendance; performance appraisals; written notes or memoranda on employee performance; counseling, employee assignments; lists of banks examined; records relating to on-the-job training; data documenting reasons for personnel actions, decisions, or recommendations made about an employee; disciplinary and adverse action backup material; claims for benefits under the Civil Service Retirement System; Federal Employees' Group Life Insurance; FDIC Employees' Group Life Insurance; documents related to on-the-job injuries; (2) parking permit records containing information (name, address, and type of automobile) about FDIC employees who have applied for (or are members of the applicants' carpool) a parking permit in the FDIC's Washington office garage; (3) FDIC personnel awards including information supporting the employee's nomination for one of these awards; (4) dental insurance records including information on earnings, number and name of dependents, sex, birth date, home address, and social security number; (5) employee locator records containing the employee's name, social security number, division or office assignment, office telephone number and office room number; (6) upward mobility program files coordinated by the FDIC Office of Personnel Management; and (7) FDIC Savings Plan records containing the employee's name, social security number, grade, salary, home address, date of birth, record of employee contributions and FDIC contributions, account earnings and balance, participant designated beneficiaries, date of participation, indication as to whether a participant's interest is vested, allocation of contributions to investment funds, documentation for reason of hardship withdrawal and amount of withdrawal request (including documents evidencing purchase of primary residence, proposals to evict from, or foreclose on the mortgage of, a participant's primary residence, educational expenses, medical expenses, and other acceptable financial hardship), documentation to support participation in the FDIC Savings Plan Loan Program, and personal financial statement.

Authority for maintenance of the system: Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); For category (6), sec. 717 of the Equal Employment Opportunity Act (42 U.S.C. 2000e-16).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: With regard to category (1) above, the records are primarily maintained to be used by the employee's supervisor for preparation of general personnel action; however, in the case of categories (1), (2), (3), (6), and (7), disclosures may be made, where relevant:

(a) To financial and credit institutions for loan and credit reference purposes (solely to verify the employee's employment with the FDIC, date of employment, and pay grade);

(b) To the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, an arbitrator, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdiction;

(c) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, or in connection with criminal proceedings;

(d) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(e) To State authorities regarding reasons for a former employee's separation from FDIC service, where the inquiry is made pursuant to the former employee's application for unemployment compensation;

(f) To Federal and State regulatory agencies, for reasons related to FDIC business, as to the temporary work location of FDIC bank examiners.

Disclosure may be made, in the case of category (4) above, to the dental insurance carrier in support of a claim for dental insurance benefits. In category (5) above, except for the employee's Social Security Number, all information in the record is available to the public. In category (6) above, disclosure may be made to appropriate FDIC managers, supervisors and Office of Personnel Management individuals who are involved in the assessment, evaluation and selection of an applicant for upward mobility training and/or in the monitoring and evaluation of the upward mobility participant during the training period. In categories (1), (2), and (4) above, disclosure may be made by the FDIC Office of Inspector General to vendors, carriers, or other appropriate third parties for the purpose of verification, confirmation, or substantiation during the performance of audits or investigations. In category (7) above, disclosure may be made, where relevant:

- (a) To Federal, State, and local government tax enforcement agencies, upon request, so that they may enforce applicable tax laws;
- (b) To annuity vendors so that these firms may provide retired employees with an annuity;
- (c) To financial institutions that are qualified pension plan sponsors for purposes of transfer to an individual retirement account or to transfer into another qualified pension plan;
- (d) To the Department of Agriculture's National Finance Center to assure correct amounts are deducted from an employee's salary;
- (e) To beneficiaries so that they may exercise their entitlement rights;
- (f) To audit firms so that they may perform audits;
- (g) To T. Rowe Price so that they may carry out their functions as investors of the FDIC Savings Plan funds;
- (h) To any person legally responsible for the care of an individual to whom a record pertains and who has been found legally incompetent or under other legal disability, to assure payment of entitled benefits;
- (i) To the Department of Health and Human Services, upon its request, of the present address of an employee, former employee, or beneficiary for the purpose of enforcing child support obligations against such individual;
- (j) To the appropriate Federal, State, or local agency or authority responsible for investigating or prosecuting a violation of or for enforcing or implementing a statute, rule, regulation, or order when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

Disclosure to consumer reporting agencies:

Disclosures may be made from this system, pursuant to 5 U.S.C. 552a(b)(12) to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)(1)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on index cards and in file folders. Category (5) is maintained on computer discs, categories (6) and (7) in file folders.

Retrievability: Retrieved by name or in category (7) by date of birth or social security number.

Safeguards: Maintained in lockable metal file cabinets; computer discs are accessed only by authorized personnel.

Retention and disposal: Records are destroyed when no longer relevant to the purpose for which they were compiled and maintained. Generally, records are destroyed when the employee no longer works in the division or office which compiled and maintained the information. Parking permit records are kept for one year and then destroyed. Records of unsuccessful upward mobility candidates are retained for four years after submission; records of successful applicants are maintained until two years after leaving the employ of the FDIC. Records of the FDIC Savings Plan are kept indefinitely.

System manager(s) and address: Director, Office of Personnel Management, FDIC, 550-17th Street, NW., Washington, DC 20429, for Corporation level records. For FDIC division or office levels, the head of the appropriate division or office; for FDIC regional offices, the regional director; for FDIC field offices, the field office supervisor. For Parking Permit Records and Employee Locator Record, the Director, Division of Accounting and Corporate Services, FDIC, 550-17th Street, NW., Washington, DC 20429. For the upward mobility program and the FDIC Savings Plan, Director, Office of Personnel Management, FDIC, 550-17th Street, NW., Washington, DC 20429.

Notification procedure: Requests must be in writing and addressed to the Office of the Executive Secretary, FDIC, 550-17th Street, NW., Washington, DC 20429.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: Individuals to whom the records pertain; their immediate supervisors or persons at other supervisory levels; other fellow employees. For upward mobility, record source categories would include educational institutions which the applicant has attended. For the FDIC Savings Plan, record source categories would include agency pay and leave records.

Systems exempted from certain provisions of the act: None.

FDIC 30-64-0016

System name:

Municipal Securities Dealers and Government Securities Brokers/Dealers Personnel Records.

System location:

Supervision, Enforcement & Surveillance Branch, Division of Bank Supervision, FDIC, 550 17th Street, NW, Washington, DC 20429. Records are also stored in computerized files maintained off-premises on a contract basis with the National Association of Securities Dealers, Inc., 9513 Key West Avenue, Rockville, Maryland 20850.

Categories of individuals covered by the system:

- (1) Persons who are or seek to be municipal securities principals or municipal securities representatives associated with municipal securities dealers which are FDIC-insured, state-chartered banks (including insured state-licensed branches of foreign banks), not members of the Federal Reserve System, or are subsidiaries, departments, or divisions of such banks.
- (2) Persons who are or seek to be persons associated with government securities dealers or government securities brokers which are FDIC-insured state-chartered banks, other than members of the Federal Reserve System, or are departments or divisions of such banks.

Categories of records in the system:

The records may contain identifying information as well as educational, employment, and disciplinary information, if any, and, where applicable, information regarding termination of employment of individuals covered by the system. Identifying information includes name, addresses, date and place of birth, and may include social security account number.

Authority for maintenance of the system:

Sections 15B, 15C, and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4, 78o-5, and 78w).

Routine uses of records maintained in the system, including categories of users and purposes of such use:

- Information in the system may be disclosed:
 - (1) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings.
 - (2) To the appropriate federal, state, local, or foreign agency or authority or to a self-regulatory organization, as defined in section 3(a)(26) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(26)), responsible for investigating or prosecuting a violation of or for enforcing or implementing a statute, rule, regulation, or order, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto.
 - (3) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.
 - (4) To assist in any proceeding in which the federal securities or banking laws are in issue or a proceeding involving the propriety of a disclosure of information contained in this system, in which the FDIC or one of its past or present employees is a party.
 - (5) To a federal, state, local, or foreign governmental authority or a self-regulatory organization if necessary in order to obtain information relevant to an FDIC inquiry concerning a person who is or seeks to be associated with a municipal securities dealer as a municipal securities principal or representative or a government securities broker or a government securities dealer (as described in "Categories of individuals covered by the system" above).
 - (6) To a federal, state, local, or foreign governmental authority or a self-regulatory organization in connection with the issuance of a license or other benefit to the extent that the information is relevant and necessary.

(7) To a registered dealer, a registered broker, a registered municipal securities dealer, a government securities dealer, a government securities broker, or an insured bank that is a past or present employer of an individual that is the subject of a record, or to which such individual has applied for employment, for purposes of identity verification or for purposes of investigating the qualifications of the subject individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders and on computer discs.

Retrievability:

Indexed by name, social security number, and/or sequence number assigned by the National Association of Securities Dealers, Inc.

Safeguards:

File folders are stored in lockable metal file cabinets; computers discs are accessed only by authorized personnel.

Retention and disposal:

Permanent retention.

System manager(s) and address:

Associate Director, Supervision, Enforcement & Surveillance Branch, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington DC 20429.

Notification procedure:

Requests must be in writing and addressed to the Office of the Executive Secretary, FDIC, 550 17th Street, NW., Washington, DC 20429. Individuals requesting their own records must provide their name and the date and place of their birth, and may be required to include a notarized statement attesting to identity.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

Individuals on whom the records are maintained, municipal securities dealers and government securities dealers and brokers (as such dealers are described in "Categories of individuals covered by the system" above), and federal, state, local, and foreign governmental authorities and self-regulatory agencies which regulate the securities industry.

Systems exempted from certain provisions of the act:

None.

30-64-0017

System name:

Medical Records and Emergency Contact Information System—FDIC.

System location:

Health Unit, FDIC, 550 17th Street, NW, Washington, D.C. 20429.

Categories of individuals covered by the system:

All current and former FDIC employees.

Categories of records in the system:

Medical record of the employee, including the date of visit to the FDIC Health Unit, the diagnosis, and the treatment administered; name and telephone number of the person to contact in the event of an emergency involving the employee; American Red Cross donor cards containing the donor's name, blood type, and dates of donations; Standard Form 78 (Certificate of Medical Examination); and Standard Form 177 (Statement of Physical Ability for Light Duty Work).

Authority for maintenance of the system:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); sec. 506 of the Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

No disclosure (including intra-agency disclosure) of information contained in the medical files is made without the prior written consent of the employee concerned. In the event of an emergency, the emergency contact would be notified. For American Red Cross donor cards, disclosure of name and blood type is made only to the American Red Cross in response to specific requests for emergency donations to ensure that donor will be accepted immediately on arriving at Blood Center.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

On 8 by 10 cards with a separate emergency contact sheet attached to it. American Red Cross donor cards are stored alphabetically in wooden files in the Health Unit.

Retrievability:

Indexed by name.

Safeguards:

Maintained in lockable metal file cabinets in the nurse's office of the Health Unit. Only the nurse and substitute nurse are allowed access to the files. The Health Unit is locked whenever the nurse is absent.

Retention and disposal:

Records are kept for the duration of the employee's tenure with the FDIC and for five years thereafter, then destroyed. Standard Forms 78 and 177 are reviewed by the FDIC Nurse. If a disability is noted, the form is kept by the nurse; otherwise, the form is destroyed.

System manager(s) and address:

Director, Office of Personnel Management, FDIC, 550 17th Street, NW, Washington D.C. 20429.

Notification procedure:

Executive Secretary, FDIC, 550 17th Street, NW, Washington, D.C. 20429.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

The medical records are compiled by the employee and the nurse during the course of visits to the Health Unit for treatment. The information on the emergency contact sheet is supplied by the employee.

Systems exempted from certain provisions of the act:

None.

30-64-0018

System name:

Grievance Records System—FDIC.

System location:

Office of Personnel Management, FDIC, 550 17th Street, NW, Washington, D.C. 20429. Records at the regional level generated through grievance procedures negotiated with recognized labor organizations and arbitration are located in the FDIC regional office where originated. (See Appendix A for the location of FDIC regional offices.) Duplicate copies are maintained as records by the Office or Personnel Management for the purpose of coordinating grievance and arbitration handling.

Categories of individuals covered by the system:

Current or former FDIC employees who have submitted grievances in accordance with Part 771 of the United States Office of Personnel Management's regulations (5 CFR Part 771) or a negotiated grievance procedure.

Categories of records in the system:

The system contains records relating to grievances filed by FDIC employees under Part 771 of the United States Office of Personnel Management's regulations, or under 5 U.S.C. 7121. These case files contain all documents related to the grievance including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that FDIC may establish through negotiations with recognized labor organizations.

Authority for maintenance of the system:

5 U.S.C. 7121; 5 CFR Part 771.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records and information in these records may be used: (1) To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing or implementing a statute, rule, regulation, or order, where the FDIC becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) to disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify

the individual, inform the source of the purpose(s) of the request and identify the type of information requested; (3) to disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to requesting agency's decision on the matter; (4) to provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual; (5) to disclose information to another Federal agency or to a court when the government is party to a judicial proceeding before the court; (6) by the National Archives and Records Administration (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2098; (7) by the FDIC or the United States Office of Personnel Management in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference; (8) to disclose information to officials of the Merit Systems Protection Board, the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, an arbitrator, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties; (9) to disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding; and (10) to provide information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices and matters affecting work conditions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Indexed by name.

Safeguards:

Maintained in lockable metal file cabinets to which only authorized personnel have access.

Retention and disposal:

These records are disposed of three years after closing of the case. Disposal is by shredding or burning.

System manager(s) and address:

Director, Office of Personnel Management, FDIC, 550 17th Street, NW., Washington, D.C. 20429. The appropriate FDIC regional director for records maintained in FDIC regional offices. (See Appendix A for the location of FDIC regional offices.)

Notification procedure:

Executive Secretary, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

Information in this system of records is provided; (1) By the individual on whom the record is maintained; (2) by testimony of witnesses; (3) by agency officials; and (4) from related correspondence from organizations or persons.

Systems exempted from certain provisions of the act:

None.

FDIC 30-64-0019

System name:

Prospective Investor System.

System location:

Division of Liquidation, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Categories of individuals covered by the system:

Individuals who have submitted written or oral notice of an intent to purchase loans or real estate from the FDIC and who have been qualified by the FDIC.

Categories of records in the system:

Contains the individual's name, address, and telephone number; information as to the kind or category and location of loans or real estate the individual wants to purchase; and information relating to bids submitted, including portfolio description, amount, yield, and whether accepted.

Authority for maintenance of the system:

12 U.S.C. 1819, 1821 and 1823.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in the system may be disclosed:

(1) To other federal or state agencies to assist in the marketing and sale of loans and real estate held by the agency.

(2) To the appropriate Federal, State or local agency or authority responsible for investigating or prosecuting a violation of or for enforcing or implementing a statute, rule, regulation or order, when the information indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or by regulation, rule or order issued pursuant thereto.

(3) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings.

(4) To a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Information is maintained in computer discs and tapes or hard copy printouts stored in file cabinets.

Retrievability:

Indexed by name of prospective investor; information can also be retrieved by the system identification number assigned the prospective investor.

Safeguards:

Information in computer discs and tapes is accessed only by authorized personnel; hard copy printouts will be stored in lockable file cabinets or offices.

Retention and disposal:

Records are generally maintained in computer discs and tapes in an on-line capacity until needed. Certain records are archived in off-line storage. All records, including those in printout form, are periodically updated to reflect changes and maintained as long as needed.

System manager(s) and address:

Director, Division of Liquidation, FDIC, 550 17th Street, NW., Washington D.C. 20429.

Notification procedure:

Requests must be in writing and addressed to the Office of the Executive Secretary, FDIC, 550 17th Street, NW., Washington, D.C. 20429. The request must contain the prospective investor's name and address.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

Information is obtained from the individual upon whom the record is maintained.

Systems exempted from certain provisions of the act:

None.

FDIC 30-64-0020

System name:

Telephone Call Detail Records.

System location:

Corporate Services Branch, Division of Accounting and Corporate Services, FDIC, 550 17th Street NW., Washington, D.C. 20429 and designated FDIC regional offices, consolidated field offices, and field offices. A list of the designated offices is available from the Corporate Services Branch at the above address.

Categories of individuals covered by the system:

Individuals assigned telephone numbers by the FDIC, including current and former FDIC employees, and other individuals provided

telephone services by the FDIC, such as current and former employees of FDIC's cafeteria and credit union, who make long distance and local calls placed from FDIC telephones.

Categories of records in the system:

Records relating to use of FDIC telephones to place long distance and local calls; records indicating assignment of telephone numbers to individuals covered by the system; records relating to location of telephones.

Authority for maintenance of the system:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in the system may be disclosed, as is necessary:

(1) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

(2) To representatives of the General Services Administration or the National Archives and Records Administration who are conducting records management inspections.

(3) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings.

(4) To the appropriate federal, state, or local agency or authority responsible for investigating or prosecuting a violation of or for enforcing or implementing a statute, rule, regulation, or order, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute, or by particular program statute, or by regulation, rule, or order issued pursuant thereto.

(5) To FDIC current and former employees and other individuals currently or formerly provided telephone services by the FDIC to determine their individual responsibility for telephone calls.

(6) To respond to a federal agency's request made in connection with the hiring or retention of an employee, the letting of a contract or issuance of a grant, license, or other benefit by the requesting agency, but only to the extent that the information disclosed is relevant and necessary to the requesting agency's decision on the matter.

(7) To a telecommunications company providing telecommunications support to permit servicing the account.

Disclosure to consumer reporting agencies:

Disclosures may be made from this system, pursuant to 5 U.S.C. 552a(b)(12), to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in the telephone system's memory and on magnetic tape; may also be maintained on printout produced from the system's memory or magnetic tapes.

Retrievability:

Records are retrieved by telephone number.

Safeguards:

Records are locked in telephone equipment rooms accessible only to authorized personnel. To retrieve information from the system's memory, a password is required.

Retention and disposal:

Records are destroyed after the close of the fiscal year in which they are audited or after three years, whichever occurs first.

System manager(s) and address:

Associate Director, Corporate Services Branch, Division of Accounting and Corporate Services FDIC, 550 17th Street NW., Washington, DC 20429.

Notification procedure:

Requests must be in writing and addressed to the Office of the Executive Secretary, FDIC, 550 17th Street NW., Washington, DC 20429. The request must contain the individual's name and the telephone number assigned to the individual by the FDIC.

Record access procedures:

Same as "Notification" above.

Contesting record procedures:

Same as "Notification" above.

Record source categories:

Telephone assignment records; call detail listings; results of administrative inquiries relating to assignment of responsibility for placement of specific long distance and local calls.

Systems exempted from certain provisions of the act:

None.

FDIC 30-64-0021

System name:

Fitness Center Records System.

System location:

Fitness Center, Division of Accounting and Corporate Services, FDIC, 550 17th Street, NW, Washington, DC 20429.

Categories of individuals covered by the system:

FDIC employees who apply for membership in the Fitness Center.

Categories of records in the system:

Principally contains the individual's name, gender, age, history of certain medical conditions; the name of the individual's personal physician and of any prescription or over-the-counter drugs taken on a regular basis; the name and address of a person to be notified in case of emergency. Also contains information on the individual's degree of physical fitness and his or her fitness activities and goals. Also contains forms, memoranda, or correspondence, as appropriate, related to the employee's membership in Fitness Center.

Authority for maintenance of the system:

12 U.S.C. 1819.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in the system may be disclosed:

(1) To the individual listed as an emergency contact, in the event of an emergency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Information recorded on paper forms is stored in folders in file cabinets. Information recorded on index cards is stored in a card file box.

Retrievability:

Indexed by name of Fitness Center member.

Safeguards:

Completed forms will be stored in lockable file cabinets. Only authorized personnel will have access to areas in which information is stored.

Retention and disposal:

All records are updated when necessary to reflect changes and maintained as long as needed.

System manager(s) and address:

Fitness Director, Division of Accounting and Corporate Services, FDIC, 550 17th Street, NW, Washington, DC 20429.

Notification procedure:

Requests must be in writing and addressed to the Office of the Executive Secretary, FDIC, 550 17th Street, NW, Washington, DC 20429. Individuals requesting their own records must provide their names and addresses.

Record access procedures:

Same as "NOTIFICATION" above.

Contesting record procedures:

Same as "NOTIFICATION" above.

Record source categories:

Information is principally obtained from the individual upon whom the record is maintained. Some information will be provided by the Fitness Director and, in certain cases, by a physician retained by the FDIC and by the individual's personal physician.

Systems exempted from certain provisions of the act:

None.

Appendix A

Federal Deposit Insurance Corporation Regional Offices

Atlanta Regional Office, FDIC, 233 Peachtree Street, N.E.,

Suite 2400, Atlanta, Georgia 30043.

Boston Regional Office, FDIC, 60 State Street, 17th Floor,

Boston, Massachusetts 02109.

Chicago Regional Office, FDIC, Sears Tower, 233 S. Wacker

Dr., Suite 6116, Chicago, Illinois 60606.

Columbus Regional Office, FDIC, 1 Nationwide Plaza, Suite 2600, Columbus, Ohio 43215.
Dallas Regional Office, FDIC, 350 North St. Paul Street, Suite 2000, Dallas, Texas 75201.
Kansas Regional Office, FDIC, 2345 Grand Avenue, Suite 1500, Kansas City, Missouri 64108.
Madison Regional Office, FDIC, 1st Wisconsin Plaza, 1 South Pinckney St., Room 813, Madison, Wisconsin 53703.
Memphis Regional Office, FDIC, 1 Commerce Square, Suite 1800, Memphis, Tennessee 38103.

Minneapolis Regional Office, FDIC, 730 Second Avenue, South, Site 266, Minneapolis, Minnesota 55402.
New York Regional Office, FDIC, 345 Park Avenue, 21st Floor, New York, New York 10154.
Omaha Regional Office, FDIC, 1700 Farnam Street, Suite 1200, Omaha, Nebraska 68102.
Philadelphia Regional Office, FDIC, 1900 Market St., Suite 616, Philadelphia, Pennsylvania 19103.
San Francisco Regional Office, FDIC, 44 Montgomery Street, Suite 3600, San Francisco, California 94104.

Title 12-Banks and Banking

Chapter III-Federal Deposit Insurance Corporation

Subchapter A-Procedure and Rules of Practice

PART 309—DISCLOSURE OF INFORMATION

- Sec.
309.1 Purpose and scope.
309.2 Definitions.
309.3 Federal Register publication.
309.4 Publicly available information.
309.5 Information made available upon request.
309.6 Disclosure of exempt records by FDIC personnel.
309.7 Service of process.

Authority: Sec. 2 (9 "Seventh" and "Tenth"), Pub. L. No. 797, 64 Stat. 881 as amended by title III, sec. 309, Pub. L. No. 95-630, 92 Stat. 3677 (12 U.S.C. 1819 "Seventh" and "Tenth"); 5 U.S.C. 552.

Source: 42 FR 33715, July 1, 1977, unless otherwise noted.

§ 309.1 Purpose and scope.

This regulation sets forth the basic policies of the Federal Deposit Insurance Corporation regarding information it maintains and the procedures for obtaining access to such information.

§ 309.2 Definitions.

For purposes of this part:

- (a) The term "bank," as used in § 309.6, includes banks that have applied to the Corporation for federal deposit insurance, closed banks, presently operating banks, foreign banks, branches of foreign banks, and all affiliates of any of the foregoing;
- (b) The term "Corporation" means the Federal Deposit Insurance Corporation;
- (c) The words "disclose" or "disclosure," as used in § 309.6, mean to give access to a record, whether by producing the written record or by verbal discussion of its contents. Where the Corporation employee authorized to release Corporation documents makes a determination that furnishing copies of the documents is necessary, the words "disclose" or "disclosure" include the furnishing of copies of documents or records. In addition, "disclose" or "disclosure" as used in § 309.6 is synonymous with the term "transfer" as used in the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 *et seq.*);
- (d) The term "examination" includes, but is not limited to, formal and informal investigations of irregularities involving suspected violations of Federal or State civil or criminal laws, or unsafe and unsound banking practices, as well as such other investigations as may be conducted pursuant to law;

(e) The term "record" includes records, files, documents, reports, correspondence, books, and accounts, or any portion thereof;

(f) The term "report of examination" includes, but is not limited to, examination reports resulting from examinations of banks conducted jointly by Corporation examiners and State banking authority examiners, as well as reports resulting from examinations conducted solely by Corporation examiners;

(g) The words "he", "his", or "him" shall also refer to the feminine gender where appropriate; and

(h) The term "customer financial records," as used in § 309.6, means an original of, a copy of, or information known to have been derived from, any record held by a bank pertaining to a customer's relationship with the bank but does not include any record that contains information not identified with or identifiable as being derived from the financial records of a particular customer. The term "customer" as used in § 309.6 refers to individuals or partnerships of five or fewer persons.

[42 FR 33715, July 1, 1977, as amended at 43 FR 17804, Apr. 26, 1978; 45 FR 50551, July 30, 1980]

§ 309.3 Federal Register publication.

The FDIC publishes the following information in the **Federal Register** for the guidance of the public:

- (a) Descriptions of its central and field organization and the established places at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions;
- (b) Statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;
- (c) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports or examinations;
- (d) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the FDIC;
- (e) Every amendment, revision or repeal of the foregoing; and
- (f) General notices of proposed rulemaking.

[47 FR 39130, Sept. 7, 1982]

§ 309.4 Publicly available information.

The following information is available upon request or, as noted, available for public inspection during normal business hours, at the listed offices. To

the extent permitted by law, the FDIC may delete identifying details when it makes available or publishes a final opinion, final order, statement of policy, interpretation or staff manual or instruction. Fees for furnishing information under this § 309.4 are as set forth in § 309.5(b).

(a) At the Office of Information, Federal Deposit Insurance Corporation, 550-17th Street, NW, Washington, D.C. 20429, (202) 389-4221:

(1) Documents, including press releases, bank letters and proposed and adopted regulations, published by the FDIC and pertaining to its operations and those of insured banks it supervises.

(2) Reports on the competitive factors involved in merger transactions and the bases for approval of merger transactions as required by section 18(c) (4) and (9) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c) (4) and (9)).

(b) At the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550-17th Street, NW, Washington, D.C. 20429, which information is available for public inspection:

(1) All final opinions (including concurring and dissenting opinions) and all final orders made in the adjudication of cases.

(2) Statements of policy and interpretations which have been adopted by the FDIC but have not been published in the **Federal Register**.

(3) A current index of matters covered by paragraphs (b) (1) and (2) of this section that were issued, adopted or promulgated after July 4, 1967. Copies of the index will be provided at the direct cost of duplication as set forth in § 309.5(b).

(c) At the Division of Bank Supervision, Federal Deposit Insurance Corporation, 550-17th Street, NW, Washington, D.C. 20429:

(1) Filings and reports required under the provisions of 12 CFR Part 335 and the Securities and Exchange Act of 1934, as amended (15 U.S.C. 78a), by insured nonmember banks the securities of which are registered with the FDIC pursuant to section 12 of that Act (15 U.S.C. 78f). These filings and reports are available for public inspection as detailed in 12 CFR 335.702.

(2) Manual of Examination Policies.

(d) At the regional office of the FDIC for the region in which the applicant or subject bank is located [A list of FDIC's regional offices is available from the Corporate Communications Office, Federal Deposit Insurance Corporation, 550-17th Street, NW, Washington, D.C. 20429, (202) 898-6996.

(1) In the FDIC's discretion, non-confidential portions of application files as provided in 12 CFR 303.6(g), including applications for deposit insurance, to establish branches, to relocate offices and to merge.

(2)(i) After acceptance by the FDIC of a notice filed pursuant to the Change in Bank Control Act of 1978 (12 U.S.C. 1817(j)) (other than a notice filed in contemplation of a public tender offer subject to the Securities Exchange Act of 1934 (15 U.S.C. 78m and 78n) and the FDIC's tender offer regulations (12 CFR 335.50-335.530), the appropriate FDIC regional office will make available, on request, the following information: The name of bank whose stock is being acquired; the date the notice was accepted; the identity of the acquiring person(s); the number of shares to be acquired; and the number of outstanding shares of stock in the bank. (The mere filing of a notice does not automatically constitute "acceptance" by the FDIC. A notice is "accepted" when the regional office determines that the notice contains all the information required by 12 U.S.C. 1817(j)(6)). (ii) In the case of a notice filed in contemplation of a public tender offer that is subject to the Securities Exchange Act of 1934 (15 U.S.C. 78m and 78n) and the FDIC's tender offer regulations (12 CFR 335.50-335.530), when the public disclosure is determined under section 303.4(b)(4) of the FDIC's regulations (12 CFR 303.4(b)(4)) to be appropriate, the appropriate FDIC regional office will make available, on request, the information described in section 309.4(d)(2)(i).

(iii) After a transaction subject to the Change in Bank Control Act of 1978 has been consummated, the appropriate FDIC regional office will make available, on request, the following information, in addition to the information described in section 309.4(d)(2)(i): The date the shares were acquired; the names of the sellers (or transferors); and the total number of shares owned by the purchasers (or acquirers).

(e) At the Information Center Unit, Bank Systems Section, Management Information Services Branch, Division of Accounting and Corporate Services, Federal Deposit Insurance Corporation, 550-17th Street, NW, Washington, DC 20429;

(1) At FDIC's discretion, the Consolidated Reports of Income and Consolidated Reports of Condition filed by insured nonmember banks (and certain nonfederally insured banks in the case of reports of condition), except

that select sensitive financial information may be withheld.¹

(2) At the FDIC's discretion, Summary of Deposits filed by insured banks, except that information on the size and number of accounts filed before June 1982 is not available.²

(f) At the Bank Statistics Branch, Office of Management Systems and Financial Analysis, Federal Deposit Insurance Corporation, 550-17th Street, NW, Washington, D.C. 20429: Annual Reports of Trust Assets for commercial and mutual savings banks.³

(g) At the Division of Liquidation, Federal Deposit Insurance Corporation, 550-17th Street, NW, Washington, D.C., 20429: Instructions to Liquidators.

¹ 47 FR 39131, Sept. 7, 1982, as amended at 48 FR 28080, June 20, 1983; 49 FR 22069, May 25, 1984; 51 FR 10804, Mar. 31, 1986.

§ 309.5 Information made available upon request.

(a) *Initial request.* (1) Except as provided in paragraphs (c), (g) and (h) of this section, the FDIC, upon request for any record in its possession or control, will make the record available to any person who agrees to pay the costs of searching and duplication as set forth in paragraph (b) of this section. The request must be in writing, provide information reasonably sufficient to enable the FDIC to identify the requested records and specify a dollar limit which the requester is willing to pay for the costs of searching and duplication, unless the costs are believed to be less than \$25.00. Requests under this paragraph (a) of this section should be addressed to the Office of the Executive Secretary, FDIC, 550-17th Street, NW, Washington, D.C. 20429.

(2) The FDIC will notify the requester within 10 business days after receipt of the initial request whether it is granted or denied. Denials of requests will be based on the exemptions provided for in paragraph (c) of this section.

(3) Notification of a denial of an initial request will be in writing and will state: (i) If the denial is in part or in whole; (ii) the name and title of each person responsible for the denial (when other than the person signing the notification); (iii) the exemptions relied on for the denial; and (iv) the right of the requester to appeal the denial to the FDIC's General Counsel within 30 business days following receipt of the notification.

¹ Reports of income and of condition are described at 12 CFR 304.3 (m)-(p).

² Summary of Deposits reports are described at 12 CFR 304.3(q).

³ Annual Report of Trust Assets, FFIEC Form 001.

(b) *Fees.* (1) Persons requesting records of the FDIC shall be charged for the costs of searching (even though records are not found or released) and duplication unless the total costs are \$25.00 or less for any request or series of requests. "Search" includes any method of extracting information from computerized record systems; and, the cost of searching may include direct costs associated with the transfer of records and the indexing and filing of records as necessary to maintain the integrity of FDIC's record systems. Where the FDIC estimates that the costs of searching and duplication will exceed the dollar amount specified in the request, or where no dollar amount is specified, the FDIC will advise the requester of the estimated costs (if greater than \$25.00). Whenever it is estimated that the costs will exceed \$200.00, the requester must pay in advance an amount equal to 20 percent of the estimated costs. For the purpose of computing the time in which a request must be granted or denied, a request for records will not be deemed to have been received by the FDIC until the requester has agreed in writing to pay the costs of searching and duplication, as estimated by the FDIC, and until the FDIC receives any required advance payment. Upon written request and at fees comparable to those listed in this paragraph (b) of this section, the FDIC will undertake to compile requested information in summary, tabular or other form, unless the FDIC determines, in its discretion, that compliance with the request would be unduly burdensome or time consuming.

(2) Fees for search and duplication are:

Supervisory or professional staff.....	\$14.50/hour.
Clerical staff.....	7.50/hour.
Duplication.....	0.10/page.
Computer Generated Documents:	
Computer central processing unit (CPU).....	0.021/CPU second.
Core (Main storage).....	0.000023/1000 bytes/second.
Magnetic tape drive.....	0.17/1000/tape input/output operation.
Disk storage device.....	0.153/1000/disk input/output operation.
Computer paper printout.....	0.16/1000 lines.
Photocopy printed output.....	0.76/1000 lines.
Output on computer magnetic tape reel.....	75.00.
Address labels.....	8.00/1000 labels.

(3) Any person may request, as part of the initial request for records, that the FDIC waive or reduce the chargeable fees for searching and duplication. Requests for a waiver or reduction of fees should state how the requested information will primarily benefit the general public. Determinations whether a waiver or reduction of fees is in the public interest because furnishing the information will primarily benefit the general public will be made by the Executive Secretary (or designee). The requester will be notified in writing of the determination whether a waiver or reduction of fees is in the public interest.

(c) *Exempt information.* A request for records may be denied if the requested record contains information which falls into one or more of the following categories.^{*} If the requested record contains both exempt and nonexempt information, the nonexempt portions which may reasonably be segregated from the exempt portions will be released to the requester.

(1) Records which are (i) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (ii) are in fact properly classified pursuant to such Executive order;

(2) Records related solely to the internal personnel rules and practices of the FDIC;

(3) Records specifically exempted from disclosure by statute (other than the Privacy Act of 1974, 5 U.S.C. 552a), provided that such statute (i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intraagency memoranda or letters which would not be available by law to a private party in litigation with the FDIC;

(6) Personnel and medical files and similar files (including financial files) the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to

the extent that disclosure of the records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel; and

(8) Records contained in or related to examination, operating, or condition reports by or on behalf of, or for the use of, the FDIC or any agency responsible for the regulation or supervision of financial institutions.

(d) *Appeals.* (1) A person whose initial request for records under paragraph (a) of this section has been denied, either in part or in whole, has the right to appeal the denial to FDIC's General Counsel (or designee) within 30 business days after receipt of notification of the denial. Appeals of denials of initial requests must be in writing and include any additional information relevant to consideration of the appeal. Appeals should be addressed to the Office of the Executive Secretary, FDIC, 550—17th Street, NW, Washington, D.C. 20429.

(2) The FDIC will notify the appellant within 20 business days after receipt of the appeal whether it is granted or denied. Denials of appeals will be based on the exemptions provided for in paragraph (c) of this section.

(3) Notifications of a denial of an appeal will be in writing and will state:

(i) Whether the denial is in part or in whole; (ii) the name and title of each person responsible for the denial (if other than the person signing the notification); (iii) the exemptions relied upon for the denial; and (iv) the right to judicial review of the denial under the Freedom of Information Act (5 U.S.C. 552).

(e) *Extension of time.* Under unusual circumstances the FDIC may require additional time, up to a maximum of 10 business days, to determine whether to grant or deny an initial request or to respond to an appeal of an initial denial. These circumstances would arise in cases where (1) the records are in facilities, such as field offices or storage centers, that are not part of the FDIC's Washington office, (2) the records requested are voluminous and are not in close proximity to one another, or (3) there is a need to consult with another agency or among two or more components of the FDIC having a substantial interest in the determination. The FDIC will promptly give written notification to the person making the request of the estimated date it will

make its determination and the reasons why additional time is required.

(f) *FDIC procedures.* (1) Initial requests for records will be forwarded by the Executive Secretary to the head of the FDIC division or office which has custody of such records. Where it is determined that the requested information may be released, the appropriate division or office head will grant access to the information. A request for records may be denied only by the Executive Secretary (or designee), except that a request for records not responded to within 10 business days following its receipt by the Office of Executive Secretary—by notice to the requester either granting the request, denying the request, or extending the time for making a determination on the request—shall, if the requester chooses to treat such delay in response as a denial, be deemed to have been denied by the head of the division or office to which the request was referred for action.

(2) Appeals from a denial of an initial request will be forwarded by the Executive Secretary to the General Counsel (or designee) for a determination whether the appeal will be granted or denied. The General Counsel (or designee) may on his or her own motion refer an appeal to the Board of Directors for a determination and the Board of Directors on its own motion may consider an appeal.

(g) *Records of another agency.* If a requested record is the property of another Federal agency or department, and that agency or department, either in writing or by regulation, expressly retains ownership of such record, upon receipt of a request for the record the FDIC will promptly inform the requester of this ownership and immediately shall forward the request to the proprietary agency or department either for processing in accordance with the latter's regulations or for guidance with respect to disposition.

(h) *Records of receiver or liquidator of assets.* If a requested record is held by the Corporation in its capacity as the receiver of a closed insured bank or the liquidator of assets acquired from an open or closed insured bank, upon receipt of a request for the record the FDIC will inform the requester of the capacity in which it holds such record and shall forward the request to the FDIC's Division of Liquidation for processing and disposition. Disclosure of such records shall be subject to appropriate Federal or State law applicable to FDIC as receiver or liquidator as well as to the determination of any Federal or State

^{*} Classification of a record as exempt from disclosure under the provisions of § 309.5(c) shall not be construed as authority to withhold the record if it is otherwise subject to disclosure under the Privacy Act of 1974 (5 U.S.C. 552a) or other Federal statute, any applicable regulation of FDIC or any other Federal agency having jurisdiction thereof, or any directive or order of any court of competent jurisdiction.

court having jurisdiction over FDIC or over such record. Denials of requests may be appealed to FDIC's General Counsel (or designee) within 30 business days following receipt of notification of the denial.

[47 FR 39131, Sept. 7, 1982]

§ 309.6 Disclosure of exempt records by FDIC personnel.

(a) *Exempt records.* The provisions of § 309.6 apply to any records which are exempt from disclosure under § 309.5(c) regardless of the fact that such records may be subject to disclosure under the Privacy Act of 1974 (5 U.S.C. 552a) or other Federal statute, any applicable regulation of the FDIC or any other Federal agency having jurisdiction thereof, or any directive or order of any court of competent jurisdiction.

(b) *Disclosure prohibited.* Except as provided in this § 309.6 or by Part 310,⁵ no officer, employee, or agent of the Corporation shall disclose or permit the disclosure of any exempt records, or information contained therein, to any persons other than those officers, employees, or agents of the Corporation who have a need for such records in the performance of their official duties.

(c) *Disclosure authorized.* Exempt records of the Corporation may be disclosed in accordance with the following conditions and requirements. Except as otherwise provided hereafter, disclosures authorized by paragraph (c)(1), (2)(i), (4) (i) and (ii), and (5) of this section may be made on a routine or periodic basis. Routine or periodic disclosures may be made under the authority of paragraphs (c)(3), (4)(iii), and (6) of this section without any further request only if a written request for the records is received which asks that the record be furnished to the requestor on a routine or periodic basis and the Corporation employee authorized to disclose the record determines that routine or periodic disclosure is appropriate. Except as otherwise provided in paragraph (c)(3) or (c)(4) of this section, no disclosure of customer financial records on a routine or periodic basis may be made to a Federal agency under paragraph (c)(3) or (c)(4) of this section unless certification and notice as required by those sections are made with each separate disclosure. In any instance in which copies of FDIC reports of examiners or other confidential records are furnished under the provisions of this section 309.6(c), all copies of the reports of examination and other information so furnished shall

remain the property of the Corporation and under no circumstances shall the individual, concern or agency (or any director, officer, employee or agent of the foregoing) disclose or make public in any manner the reports or exempt records without express written authorization from the Director of the Corporation's Division of Bank Supervision as provided in section 309.6(c)(7).

(1) *Reports of examination and other exempt records—disclosure to bank.* The Director of the Corporation's Division of Bank Supervision, or any one designated by him in writing, may disclose to any director or authorized officer, employee or agent of any bank, information contained in, or copies of, reports of any examination of the bank and other exempt records pertaining to that bank.

(2) *Reports of examination and other exempt records—disclosure to State banking agencies.* (i) The Director of the Corporation's Division of Bank Supervision, or anyone designated by him in writing, may disclose to any authorized officer or employee of any State agency or authority which exercises general supervision over banks copies of any report of examination or other exempt records to the extent the report or records pertain to a State chartered bank supervised by the agency or authority.

(ii) The Director of the Corporation's Division of Bank Supervision, or anyone designated by him in writing, may disclose to any authorized officer or employee of any State agency or authority which exercises general supervision over banks copies of any exempt Corporation records pertaining to a bank or institution which the agency or authority does not supervise. Before any such information may be released, it is the responsibility of the Corporation employee authorized to disclose the information to make an affirmative determination that the requestor is authorized to request the records on behalf of the agency or authority and that the records are requested for a legitimate bank supervisory or regulatory purpose.

(3) *Reports of examination and other exempt records—disclosure to Federal financial institutions supervisory agencies.* The Director of the FDIC's Division of Bank Supervision, or anyone designated by him in writing, may disclose to any officer or employee of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, any Federal Reserve Bank, the Federal Home Loan Bank Board, any Federal Home Loan Bank,

and the National Credit Union Administration any report of examination of a bank or any other exempt records. Before information is released to any employees of the above listed Federal financial institutions supervisory agencies, it is the responsibility of the Corporation employee authorized to disclose the information to make an affirmative determination that the requestor is authorized to request the record on behalf of the agency and that the records are requested for a legitimate bank supervisory or regulatory purpose.⁷

(4) *Reports of examination and other exempt records—disclosure to non-financial institution supervisory agencies.* (i) Reports of apparent criminal irregularities pertaining to suspected violations of law which affect the safety or soundness of a bank may be disclosed to a federal prosecuting or investigatory authority without giving notice and certification as set out in paragraph (c)(4)(iv)(B) of this section: *Provided*, That the contents of the report are limited to only the following information: The name(s) and address(es) of the suspect(s) and his/her (their) relationship with the financial institution or supervisory agency, if any; the identity of the financial institution(s) or office(s) involved; the specific offense(s) suspected; the name(s) and address(es) of the account holder(s) and the account number(s) and type(s) of account(s) in which evidence of the suspected offense(s) is located; and a general description (dates and any suspicious circumstances) of the transaction(s) involved in the suspected offenses.⁷

(ii) The Director of the Corporation's Division of Bank Supervision, or anyone designated by him in writing, may disclose to the proper Federal or State prosecuting or investigatory authorities copies of exempt records pertaining to irregularities discovered in banks which are believed to constitute violations of any federal or state civil or criminal law, or unsafe or unsound banking practices. *Provided*, That whenever copies of exempt records are disclosed to federal prosecuting or investigatory authorities that are customer financial records, notice and certification as set out in paragraph (c)(4)(iv)(B) of this section are made.

⁷ This listing of information has been adopted in accordance with guidelines provided to the FDIC by the Department of Justice in a letter dated July 17, 1979 to FDIC Chairman Sprague and signed by United States Attorney General Benjamin R. Civiletti.

⁵ The procedures for disclosing records under the Privacy Act are separately set forth in Part 310.

(iii) Subject to the restrictions contained in paragraph (c)(4)(iv) of this section pertaining to disclosure of customer financial records to federal agencies, the Director of the Corporation's Division of Bank Supervision, or anyone designated by him in writing, may disclose to any authorized officer or employee of any Federal or State agency or authority, for good cause shown, reports of any examination of a bank or other exempt records. Such records shall be disclosed only in response to a written request which: (A) Is signed by an authorized official of the agency making the request; (B) identifies the record or records to which access is requested; and (C) gives the reasons for the request.

(iv) The Director of the Corporation's Division of Bank Supervision, or anyone he designates in writing, may disclose information known to have been derived from customer financial records to any Federal agency: *Provided*, That (A) the General Counsel, or anyone he designates in writing, has determined that disclosure is required by law; or (B) disclosure is pursuant to a written request that indicates the information is relevant to a legitimate law enforcement inquiry within the jurisdiction of the requesting agency and: (1) The Director of the Division of Bank Supervision, or anyone designated by him in writing, certifies pursuant to section 1112(a)* of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 *et seq.*) that the records are believed relevant to a legitimate law enforcement inquiry within the jurisdiction of the receiving agency and (2) a copy of such certification and the notice required by section 1112(b)* of the Right to Financial

Privacy Act of 1978 is sent within fourteen days of the disclosure to the customer whose records are disclosed¹⁰ or (C) the information derived from bank customer financial records is deleted or rendered unidentifiable with any particular customer; or (D) the information is sought by the General Accounting Office in connection with an investigation, examination, or audit directed at a Federal agency; or (E) the request falls within section 1113(g) or section 1113(h)(1)(B) of the Right to Financial Privacy Act. Notwithstanding the language of paragraph (c)(4)(iv)(B) of this section, a written request is not required for the Director of the Division of Bank Supervision, or anyone he designates in writing, to disclose records pursuant to paragraph (c)(4)(iv)(B) of this section so long as certification and notice as required by that subsection are made.

(5) *Evaluations of bank data centers, bank service corporations and data centers—disclosure to servicers and to serviced institutions.* The Director of the Corporation's Division of Bank Supervision, or anyone designated by him in writing, may disclose copies of any Corporation examination report of a bank data center, a bank service corporation or any other data center that provides data processing or related services to an insured institution (hereinafter referred to as "data center") to: (i) The examined data center; (ii) any insured institution that receives data processing or related services from the examined data center; (iii) any State agency or authority which exercises general supervision over an institution serviced by the examined data center; and (iv) any Federal financial institution supervisory agency which exercises general supervision over an institution serviced by the examined data center. The Federal supervisory agency may disclose any such examination report received from the Corporation to an insured institution over which it exercises general supervision and which is serviced by the examined data center.

(6) *Reports of examination and other exempt records—disclosure to third parties.* Except as otherwise provided in paragraphs (c) (1) through (5) of this section, the Director of the Corporation's Division of Bank Supervision, or anyone designated by him in writing, may disclose copies of any report of examination of a bank or data center or other exempt records to any third party where requested to do so in writing. Any

such written request shall: (i) Specify the record or records to which access is requested; and (ii) give the reasons for the request. Any Corporation employee authorized to disclose exempt Corporation records to third parties may disclose the records only upon determining that good cause exists for the disclosure. Either prior to or at the time of any disclosure, the Corporation employee shall impose such terms and conditions as he deems necessary to protect the confidential nature of the record, the financial integrity of any bank to which the record relates, and the legitimate privacy interests of any individual named in such records.

(7) *Reports of examination and other exempt records—disclosure by banks or other third parties.* (i) The Director of the Corporation's Division of Bank Supervision may authorize any director, officer, employee, or agent of a bank to disclose copies of any report of examination or other exempt record in his custody to anyone who is not a director, officer or employee of the bank. Such authorization may be given only in response to a written request from the party seeking the record or from management of the bank to which the report or record pertains. Any such request shall specify the record sought, the party's interest therein and the party's relationship to the bank to which the record relates.

(ii) The Director of the Corporation's Division of Bank Supervision may authorize any third party, including Federal or State agencies, that has received a copy of a Corporation report of examination or other exempt record to disclose such report or exempt record to another party or agency, such authorization may be given only in response to a written request from the party that has custody of the copy of the Corporation report or record. Any such request shall specify the report or record sought to be disclosed and the reasons why disclosure is necessary.

(iii) Any subsidiary bank of a bank holding company may reproduce and furnish a copy of any report of examination of the subsidiary bank to the parent holding company without prior approval by the Director of the Division of Bank Supervision and any bank may reproduce and furnish a copy of any report of examination of the disclosing bank to a majority shareholder if the following conditions are met:

(A) The parent holding company or shareholder owns in excess of 50% of the voting stock of the bank or subsidiary bank;

* The form of certification generally is as follows. Additional information may be added.

Pursuant to section 1112(a) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412), I, _____ [name and appropriate title] hereby certify that the financial records described below were transferred to (agency or department) in the belief that they were relevant to a legitimate law enforcement inquiry, within the jurisdiction of the receiving agency.

* The form of notice generally is as follows. Additional information may be added.

Dear Mr./Mrs. _____: Copies of, or information contained in, your financial records lawfully in the possession of the Federal Deposit Insurance Corporation have been furnished to (agency or department) pursuant to the Right to Financial Privacy Act of 1978 for the following purpose: _____. If you believe that this transfer has not been made to further a legitimate law enforcement inquiry, you may have legal rights under the Right to Financial Privacy Act of 1978 or the Privacy Act of 1974.

¹⁰ Whenever a federal agency has obtained a court-ordered delay of the customer notice, the notice shall be sent immediately upon the expiration of the court-ordered delay.

(B) The board of directors of the bank or subsidiary bank at least annually by resolution authorizes the reproduction and furnishing of reports of examination (the resolution shall (1) specifically name the shareholder or parent holding company, (2) the address to which the reports are to be sent, (3) indicate that all reports furnished pursuant to the resolution remain the property of the Federal Deposit Insurance Corporation and are not to be disclosed or made public in any manner without the prior written approval of the Director of the Division of Bank Supervision as provided in paragraph (c)(7)(ii) of the Corporation's regulations);

(C) A copy of the resolution authorizing disclosure of the reports is sent to the shareholder or parent holding company; and

(D) The minutes of the board of directors of the bank or subsidiary bank for the meeting immediately following disclosure of a report contain a notation that (1) disclosure was made, (2) the date of the report which was disclosed, (3) to whom the report was sent, and (4) the date the report was disclosed.

(iv) With respect to any disclosure that is authorized under paragraph (c)(7) of this section, the Director of the Corporation's Division of Bank Supervision shall only permit disclosure of records upon determining that good cause exists. If the report of examination or other exempt record contains information derived from bank customer financial records, disclosure is to be authorized only upon the condition that the requesting party and the party releasing the records comply with any applicable provision of the Right to Financial Privacy Act of 1978. Before authorizing the disclosure, the Director of the Corporation's Division of Bank Supervision may require that both the party having custody of a copy of a Corporation report of examination or record and the party seeking access to the report or record agree to such limitations as the Director of the Corporation's Division of Bank Supervision deems necessary to protect the confidential nature of the record, the financial integrity of any bank to which the record relates and the legitimate privacy interests of any individual named in such report or record.

(8) *Production of exempt records and testimony of Corporation personnel.* (i) The Corporation's General Counsel, or anyone designated by him in writing, may (A) produce or authorize the production of any exempt record in response to a valid judicial subpoena, court order, or other legal process, and (B) authorize any officer, employee, or agent of the Corporation to appear and

testify regarding an exempt record at any administrative or judicial hearing or proceeding where he has been served with a valid subpoena, court order, or other legal process requiring him to testify. Customer financial records may not be disclosed to any Federal agency that is not a Federal financial supervisory agency pursuant to paragraph (c)(8)(i) of this section unless notice to the customer and certification as required by section 1112 (a) and (b) of the Right to Financial Privacy Act of 1978 have been given *except where* disclosure is in connection with a proceeding to which the Federal agency, employee, officer, or agent, and the customer are parties, or disclosure is in response to a grand jury subpoena, or disclosure is in accordance with procedures authorized by the Internal Revenue Code, or the records are sought pursuant to an administrative subpoena issued by an administrative law judge in an adjudicatory proceeding subject to 5 U.S.C. 554 to which the receiving federal agency, employee, officer, or agent, and the customer are parties.

(ii) The General Counsel, or anyone designated by him in writing, may produce or authorize the production of any exempt record sought in connection with any hearing or proceeding without the service of a judicial subpoena, or other legal process requiring production, if he determines that the records are relevant to the hearing or proceeding and that production is in the best interests of justice. In the case of customer financial records, disclosure to any Federal agency pursuant to paragraph (c)(8)(ii) of this section that is not a Federal financial supervisory agency may be made only when the records are sought under the Federal Rules of Civil or Criminal procedure or comparable rules of other courts and in connection with litigation to which the receiving Federal agency, employee, officer, or agent, and the customer are parties. Where the General Counsel authorizes the production of any exempt record or the testimony of any officer, employee, or agent of the Corporation relative thereto pursuant to paragraph (c)(8) of this section, he shall limit the authorization to so much of the record or testimony as is relevant to the issues at the hearing or proceeding, and he shall give his authorization only upon fulfillment of such conditions as he deems necessary to protect the confidential nature of the record consistent with any requirement that it be produced and made a part of the record of the hearing or proceeding.

(9) *Disclosures by division or office heads.* Except as otherwise provided in paragraphs (c)(1) through (c)(8) of this

section, each head (or designee) of a division or office may disclose any exempt record which is in the custody of and was created by or originated in the division or office. Any such disclosure shall be made only: (i) Upon receipt of a written request specifying the record sought and the reason why access to the record is necessary; and (ii) after the division or office head (or designee) determines that disclosure of record is in the public interest and not detrimental to any individual or concern.

(10) *Authority of the chairman of the corporation's board of directors.* Except where expressly prohibited by law, the Chairman of the Corporation's Board of Directors may authorize the disclosure of any Corporation records. Except where disclosure is required by law, the Chairman of the Corporation's Board of Directors may direct any officer, employee or agent of the Corporation to refuse to disclose any record if the Chairman determines that refusal to permit such disclosure is in the best interests of the Corporation and is not contrary to the public interest.

(11) *Limitations on disclosure.* Any disclosure permitted by this paragraph (c) of this section is discretionary and nothing in this paragraph (c) of this section shall be construed as requiring the disclosure of information. Further, nothing in this paragraph (c) of this section shall be construed as restricting, in any manner, the authority of the Board of Directors, the Chairman of the Board of Directors, the Director of the Corporation's Division of Bank Supervision or anyone designated by him in writing, the Corporation's General Counsel or anyone designated by him in writing, or any other Corporation Division or Office head, in their discretion and in light of the facts and circumstances attendant in any given case, to impose conditions upon and to limit the form, manner, and extent of any disclosure permitted hereunder.

[42 FR 33715, July 1, 1977, as amended at 43 FR 17804, Apr. 26, 1978; 45 FR 50551, July 30, 1980; 47 FR 22345, May 24, 1982; 47 FR 39133, Sept. 7, 1982; 48 FR 24032, May 31, 1983; 51 FR 47208, Dec. 31, 1986]

§ 309.7 Service of process.

(a) *Service.* Any subpoena or other legal process to obtain information maintained by the FDIC shall be duly issued and served upon either the Executive Secretary, FDIC, 550 17th Street, NW, Washington, D.C. 20429 or the regional director of the FDIC region where the legal action from which the subpoena or process was issued, is

pending. A list of the FDIC's regional offices is available from the Office of Information, FDIC, 550 17th Street, NW., Washington, D.C. 20429 (telephone 202-380-4221). Any service of process on the FDIC as a party shall be made upon the Executive Secretary, FDIC, 550 17th Street NW., Washington, D.C. 20429 or upon the agent designated to receive service of process in the State, Territory, or jurisdiction in which any insured bank is located. Identification of the designated agent in the State, Territory, or jurisdiction may be obtained from the Office of the Executive Secretary or from the Office of the General Counsel, FDIC, 550 17th Street NW., Washington, D.C. 20429.

(b) *Advice by person served.* If any officer, director, or agent of the Corporation is served with a subpoena, court order, or other process requiring that person's personal attendance as a witness or the production of any exempt record of the Corporation, such person shall promptly advise the Office of the Corporation's General Counsel of such service, of the testimony and records described in the subpoena, and of all relevant facts which may be of assistance to the General Counsel in determining whether the individual in question should be authorized to testify or the records should be produced. Such person should also inform the court or tribunal which issued the process and the attorney for the party upon whose application the process was issued, if known, of the substance of this section. If any person who is not an officer, employee, or agent of the Corporation and who has custody of exempt records belonging to the Corporation is served with a subpoena, court order, or other legal process directing that person to produce such records or to testify with respect thereto, such person should give the same notice to the General Counsel and to the court or tribunal.

(c) *Appearance by person served.* Absent the authorization of the Corporation's General Counsel (or anyone designated by him in writing) to disclose the requested information, any officer, employee, or agent of the Corporation (and any person having custody of exempt records of the Corporation who is not an officer, employee, or agent of the Corporation), who is required to respond to a subpoena, court order, or other legal process, shall attend at the time and place therein specified and respectfully decline to produce any such record or give any testimony with respect thereto, basing such refusal on this section.

[42 FR 33715, July 1, 1977, as amended at 47 FR 39133, Sept. 7, 1982]

PART 310—SAFEGUARDING PERSONAL INFORMATION IN FEDERAL DEPOSIT INSURANCE CORPORATION RECORDS

Sec.

- 310.1 Purpose and scope.
- 310.2 Definitions.
- 310.3 Procedures for requests pertaining to individual records in a system of records.
- 310.4 Times, places, and requirements for identification of individuals making requests.
- 310.5 Disclosure of requested information to individuals.
- 310.6 Special procedures: Medical records.
- 310.7 Request for amendment of record.
- 310.8 Agency review of request for amendment of record.
- 310.9 Appeal of adverse initial agency determination on access or amendment.
- 310.10 Disclosure of record to person other than the individual to whom it pertains.
- 310.11 Fees.
- 310.12 Penalties.
- 310.13 Exemptions.

Authority: 5 U.S.C. 552a.

Source: 40 FR 46274, Oct. 6, 1975, unless otherwise noted.

§ 310.1 Purpose and scope.

This regulation sets forth the basic policies of the Corporation regarding the protection of the privacy of individuals on whom the Corporation maintains information which is retrieved by reference to an individual's name or an identifying particular assigned to the individual.

§ 310.2 Definitions.

For purposes of this Part:

(a) The term "Corporation" means the Federal Deposit Insurance Corporation;

(b) The term "individual" means a natural person who is either a citizen of the United States or an alien lawfully admitted for permanent residence;

(c) The term "maintain" includes maintain, collect, use, disseminate, or control;

(d) The term "record" means any item, collection or grouping of information about an individual that contains his/her name, or the identifying number, symbol, or other identifying particular assigned to the individual;

(e) The term "system of records" means a group of any records under the control of the Corporation from which information is retrieved by the name of the individual or some identifying number, symbol or other identifying particular assigned to the individual;

(f) The term "designated system of records" means a system of records which has been listed and summarized in the *Federal Register* pursuant to the requirements of 5 U.S.C. 552a(e);

(g) The term "routine use" means, with respect to disclosure of a record,

the use of such record for a purpose which is compatible with the purpose for which it was created;

(h) The terms "amend" or "amendment" mean any correction, addition to or deletion from a record; and

(i) The term "system manager" means the agency official responsible for a designated system of records, as denominated in the *Federal Register* publication of "Systems of Records Maintained by the Federal Deposit Insurance Corporation."

[40 FR 46274, Oct. 6, 1975, as amended at 42 FR 6796, Feb. 4, 1977]

§ 310.3 Procedures for requests pertaining to individual records in a system of records.

(a) Any present or former employee of the Corporation seeking access to his/her official Civil Service records maintained by the Corporation shall submit his/her request in such manner as is prescribed by the Civil Service Commission in Part 297 of its rules and regulations (5 CFR Part 297).

(b) Requests by individuals for access to records pertaining to them and maintained within one of the Corporation's designated systems of records should be submitted in writing to the Office of the Executive Secretary, Records Unit, Federal Deposit Insurance Corporation, Washington, D.C. 20429. Each such request should contain a reasonable description of the records sought, the system or systems in which such record may be contained, and any additional identifying information, as specified in the Corporation's *Federal Register* "Notice of Systems of Records" for that particular system, copies of which are available upon request from the Records Unit, Office of the Executive Secretary.

[40 FR 46274, Oct. 6, 1975, as amended at 42 FR 6796, Feb. 4, 1977]

§ 310.4 Times, places, and requirements for identification of individuals making requests.

(a) Individuals may request access to records pertaining to themselves by submitting a written request as provided in § 310.3 of these regulations, or by appearing in person on weekdays, other than official holidays, at the Office of the Executive Secretary, Records Unit, Federal Deposit Insurance Corporation, 550 17th Street, NW, Washington, D.C. 20429, between the hours of 8:30 a.m. and 5 p.m.

(b) Individuals appearing in person at the Corporation seeking access to or amendment of their records shall present two forms of reasonable

identification, such as employment identification cards, driver's licenses, or credit cards.

(c) Except for records that must be publicly disclosed pursuant to the Freedom of Information Act, 5 U.S.C. 552, where the Corporation determines it to be necessary for the individual's protection, a certification of a duly commissioned notary public, of any state or territory, attesting to the requesting individual's identity may be required before a written request seeking access to or amendment of a record will be honored.

[40 FR 46274, Oct. 6, 1975, as amended at 42 FR 6796, Feb. 4, 1977]

§ 310.5 Disclosure of requested information to individuals.

(a) Except to the extent that Corporation records pertaining to an individual

(1) Are exempt from disclosure under §§ 310.6 and 310.13 of this Part, or

(2) Were compiled in reasonable anticipation of a civil action or proceeding, the Corporation will make such records available upon request for purposes of inspection and copying by the individual (after proper identity verification as provided in § 310.4) and, upon the individual's request and written authorization, by another person of the individual's own choosing.

(b) The Executive Secretary will notify, in writing, the individual making a request, whenever practicable within ten business days following receipt of the request, whether any specified designated system of records maintained by the Corporation contains a record pertaining to the individual. Where such a record does exist, the Executive Secretary also will inform the individual of the system manager's decision whether to grant or deny the request for access. In the event existing records are determined not to be disclosable, the notification will inform the individual of the reasons for which disclosure will not be made and will provide a description of the individual's right to appeal the denial, as more fully set forth in § 310.9. Where access is to be granted, the notification will specify the procedures for verifying the individual's identity, as set forth in § 310.4.

(c) Individuals will be granted access to records disclosable under this Part 310 as soon as is practicable. The Executive Secretary will give written notification of a reasonable period within which individuals may inspect disclosable records pertaining to themselves at the Office of the Executive Secretary during normal business hours. Alternatively,

individuals granted access to records under this Part may request that copies of such records be forwarded to them. Fees for copying such records will be assessed as provided in § 310.11.

[40 FR 46274, Oct. 6, 1975, as amended at 42 FR 6796, Feb. 4, 1977]

§ 310.6 Special procedures: Medical records.

Medical records shall be disclosed on request to the individuals to whom they pertain, except, if in the judgment of the Corporation, the transmission of the medical information directly to the requesting individual could have an adverse effect upon such individual. In the event medical information is withheld from a requesting individual due to any possible adverse effect such information may have upon the individual, the Corporation shall transmit such information to a medical doctor named by the requesting individual.

§ 310.7 Request for amendment of record.

The Corporation will maintain all records it uses in making any determination about any individual with such accuracy, relevance, timeliness and completeness as is reasonably necessary to assure fairness to the individual in the determination. An individual may request that the Corporation amend any portion of a record pertaining to that individual which the Corporation maintains in a designated system of records. Such a request should be submitted in writing to the Office of the Executive Secretary, Records Unit, Federal Deposit Insurance Corporation, Washington, D.C. 20429 and should contain the individual's reason for requesting the amendment and a description of the record (including the name of the appropriate designated system and category thereof) sufficient to enable the Corporation to identify the particular record or portion thereof with respect to which amendment is sought.

§ 310.8 Agency review of request for amendment of record.

(a) Requests by individuals for the amendment of records will be acknowledged by the Executive Secretary of the Corporation, and referred to the system manager of the system of records in which the record is contained for determination, within ten business days following receipt of such requests. Promptly thereafter, the Executive Secretary will notify the individual of the system manager's decision to grant or deny the request to amend.

(b) If the system manager denies a request to amend a record, the notification of such denial shall contain the reason for the denial and a description of the individual's right to appeal the denial as more fully set forth in § 310.9.

[40 FR 46274, Oct. 6, 1975, as amended at 42 FR 6796, Feb. 4, 1977]

§ 310.9 Appeal of adverse initial agency determination on access or amendment.

(a) A system manager's denial of an individual's request for access to or amendment of a record pertaining to him/her may be appealed in writing to the Board of Directors of the Corporation within 30 business days following receipt of notification of the denial. Such an appeal should be forwarded to the Office of the Executive Secretary, Records Unit, and contain all the information specified for initial requests to amend in § 310.7, as well as any other additional information the individual deems relevant to the Board of Directors' consideration of the appeal.

(b) The Board of Directors will normally make a final determination with respect to an appeal made under this Part within 30 business days following receipt by the Office of the Executive Secretary of the appeal. The Board of Directors may, however, extend this 30 day time period for good cause. Where such an extension is required, the individual making the appeal will be notified of the reason for the extension and the expected date upon which a final decision will be given.

(c) If the Corporation's Board of Directors affirms the initial denial of a request for access or to amend, it will inform the individual affected of the decision, the reasons therefor and the right of judicial review of the decision. In addition, as pertains to a request for amendment, the individual may at that point submit to the Corporation a concise statement setting forth his or her reasons for disagreeing with the Corporation's refusal to amend.

[40 FR 46274, Oct. 6, 1975, as amended at 42 FR 6796, Feb. 4, 1977]

§ 310.10 Disclosure of record to person other than the individual to whom it pertains.

(a) Except as provided in paragraph (b) of this section, the Corporation will not disclose any record contained in a designated system of records to any person or agency except with the prior written consent of the individual to whom the record pertains.

(b) The restrictions on disclosure in paragraph (a) of this section do not

apply to any of the following disclosures:

(1) To those officers and employees of the Corporation who have a need for the record in the performance of their duties;

(2) Which is required under the Freedom of Information Act (5 U.S.C. 552);

(3) For a routine use listed with respect to a designated system of records;

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13 of the United States Code;

(5) To a recipient who has provided the Corporation with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Corporation specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if, upon such disclosure, notification is transmitted to the last known address of such individual;

(9) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

(c) Any statement of disagreement with the Corporation's refusal to amend, filed with the Corporation by an individual pursuant to § 310.9(c), will be included in the disclosure of any records under authority of paragraph (b) of this

section. The Corporation may in its discretion also include a copy of a concise statement of its reasons for not making the requested amendment.

(d) The Corporation will adhere to the following procedures in the case of disclosure of any record pursuant to the authority of paragraphs (b)(3) through (b)(11) of this section.

(1) The Corporation will keep a record of the date, nature and purpose of each such disclosure, as well as the name and address of the person or agency to whom such disclosure is made; and

(2) The Corporation will retain and, with the exception of disclosures made pursuant to paragraph (b)(7) of this section, make available to the individual named in the record for the greater of five years or the life of the record all material compiled under paragraph (d)(1) of this section with respect to disclosure of such record.

(e) Whenever a record which has been disclosed by the Corporation under authority of paragraph (b) of this section is, within a reasonable amount of time after such disclosure, either amended by the Corporation or the subject of a statement of disagreement, the Corporation will transmit such additional information to any person or agency to whom the record was disclosed, if such disclosure was subject to the accounting requirements of paragraph (d)(1) of this section.

§ 310.11 Fees.

The Corporation, upon a request for records disclosable pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), shall charge a fee of \$0.10 per page for duplicating, except as follows:

(a) If the Corporation determines that it can grant access to a record only by providing a copy of the record, no fee will be charged for providing the first copy of the record or any portion thereof;

(b) Whenever the aggregate fees computed under this section do not exceed \$2 for any one request, the fee will be deemed waived by the Corporation; or,

(c) Whenever the Corporation determines that a reduction or waiver is warranted, it may reduce or waive any fees imposed for furnishing requested information pursuant to this section.

§ 310.12 Penalties.

Subsection (i)(3) of the Privacy Act of 1974 (5 U.S.C. 552a(i)(3)) imposes criminal penalties for obtaining Corporation records on individuals under false pretenses. The subsection provides as follows: "Any person who knowingly and willfully requests or obtains any record concerning an

individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000."

§ 310.13 Exemptions.

The following systems of records are exempt from §§ 310.3-310.9 and § 310.10(d)(2) of these rules:

(a) Investigatory material compiled for law enforcement purposes in the following systems of records is exempt from §§ 310.3 through 310.9 and § 310.10(d)(2) of these rules; provided, however, that if any individual is denied any right, privilege, or benefit to which he/she would otherwise be entitled under Federal law, or for which he/she would otherwise be eligible, as a result of the maintenance of such material, such material shall be disclosed to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence:

"30-64-0002"—Financial institutions investigative and enforcement records system.

"30-64-0010"—Investigative files and records.

(b) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Corporation employment to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Corporation under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence, in the following system of records, is exempt from §§ 310.3-310.9 and § 310.10(d)(2) of these rules:

"30-64-0001"—Attorney-legal internal applicant system.

"30-64-0010"—Investigative files and records.

(c) Testing or examination material used solely to determine or assess individual qualifications for appointment or promotion in the Corporation's service, the disclosure of which would compromise the objectivity or fairness of the testing, evaluation, or examination process in the following system of records, is exempt from §§ 310.3-310.9 and § 310.10(d)(2) of these rules:

"30-64-0009"—Examiner training and education records.

[42 FR 6797, Feb. 4, 1977, as amended at 42 FR 33720, July 1, 1977; 53 FR 7340, Mar. 8, 1988; 54 FR 38507, Sept. 19, 1989]

FEDERAL ELECTION COLLECTION

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FEC 1

System name:

Requests for advisory opinions.

System location:

Federal Election Commission, Washington, D.C. 20463.

Categories of individuals covered by the system:

Individuals who have requested advisory opinions from the FEC.

Categories of records in the system:

Letters requesting legal opinions and responses thereto from the FEC.

Authority for maintenance of the system:

2 U.S.C. 437d(a)(7) and 437f.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Documents maintained for historical purposes and for use as precedent in subsequent requests for advisory opinions. Commissioners and staff use this system to respond to requests for opinions. These documents are available to the public for information and so that interested parties may submit comments to the Commission.

Routine Use for Disclosure to the Department of Justice for Use in Litigation: It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when:

- (a) The agency, or any component thereof; or
- (b) Any employee of the agency in his or her official capacity; or
- (c) Any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or
- (d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components,

is a party to litigation or has an interest in such litigation, and the use of such reports by the Department of Justice is deemed by the Federal Election Commission to be relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

Routine Use for Agency Disclosure in Litigation: It shall be a routine use of records maintained by this agency to disclose them in a proceeding before a court or adjudicative body before which the agency is authorized to appear, when:

- (a) The agency, or any component thereof; or
- (b) Any employee of the agency in his or her official capacity; or
- (c) Any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or
- (d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components,

is a party to litigation or has an interest in such litigation, and the Federal Election Commission determines that on a case by case basis use of such records is relevant and necessary to the litigation, provided however, that the agency determines that disclosure of the records is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records and microfilm.

Retrievability:

Indexed by name of requestor, date of opinion, request number, incoming correspondence number and, as applicable, by microfilm roll and frame number.

Safeguards:

Originals are kept in locked filing cabinets in limited access areas under personal surveillance during working hours and in locked rooms at other times. Copies are freely available.

Retention and disposal:

Indefinite.

System manager(s) and address:

The General Counsel, Federal Election Commission, Washington, D.C. 20463 (202/523-4143).

Notification procedure:

Refer to Commission access regulations at 11 CFR 1.1 et seq., 41 FR 43064 (1976).

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual requestor, persons submitting comments and the Federal Election Commission.

FEC 2

System name:

Audits and investigations.

System location:

Federal Election Commission, Washington, D.C. 20463.

Categories of individuals covered by the system:

Candidates required to file statements and reports under the Federal Election Campaign Act.

Categories of records in the system:

Audit and investigation data.

Authority for maintenance of the system:

2 U.S.C. 437d(a)(10), 437g(a) (2), (5) and 438(a) (8), (9); 26 U.S.C. 9007, 9038.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The General Counsel, Assistant Staff Directors, Commissioners, and their staffs may use audit and investigation data for informal hearings, administrative compliance, civil litigation, voluntary compliance or to refer matters to appropriate law enforcement authorities.

Routine Use for Disclosure to the Department of Justice for Use in Litigation: It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when:

- (a) The agency, or any component thereof; or
- (b) Any employee of the agency in his or her official capacity; or
- (c) Any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or
- (d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components,

is a party to litigation or has an interest in such litigation, and the use of such reports by the Department of Justice is deemed by the Federal Election Commission to be relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

Routine Use for Agency Disclosure in Litigation: It shall be a routine use of records maintained by this agency to disclose them in a proceeding before a court or adjudicative body before which the agency is authorized to appear, when:

- (a) The agency, or any component thereof; or
- (b) Any employee of the agency in his or her official capacity; or
- (c) Any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or
- (d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components,

is a party to litigation or has an interest in such litigation, and the Federal Election Commission determines that on a case by case basis use of such records is relevant and necessary to the litigation, provided however, that the agency determines that disclosure of the records is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records.

Retrievability:

Indexed by name.

Safeguards:

Locked safes in limited access locations. Access is limited to FEC staff on a restricted basis and to appropriate law enforcement agencies as directed by the Commission.

Retention and disposal:

Indefinite.

System manager(s) and address:

Assistant Staff Director for Audit, Federal Election Commission, Washington, D.C. 20463 (202/523-4155).

Notification procedure:

Refer to Commission access regulations at 11 CFR 1.1 et seq., 41 FR 43064 (1976).

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Same as above.

Systems exempted from certain provisions of the act:

With respect to open audits, the foregoing system is exempt pursuant to the provisions of 5 U.S.C. 552a(k)(2). See 11 CFR 1.14.

FEC 3

System name:

Compliance actions.

System location:

Federal Election Commission, Washington, D.C. 20463.

Categories of individuals covered by the system:

Individuals who have filed complaints (complainants) and persons complained about (respondents), candidates filing late reports, or no reports, and cases internally generated through review and audit of reports and statements filed by candidates.

Categories of records in the system:

Complaints, referrals, and responses thereto; internal investigations of reports on file at the Commission, depositions, interrogatories and responses thereto.

Authority for maintenance of the system:

2 U.S.C. 437g(a) (1), (2), (4) and (5); 438(a)(7) and 438(b); 26 U.S.C. 9006 and 9038.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

While any case is active, these documents are maintained as the agency's working or investigative file. Based upon information contained in the file, recommendations are made to the Commission as to the disposition of a case, and the Commission acts upon those recommendations. Compliance actions are assigned by the Associate General Counsel to an attorney and/or to appropriate staff for investigation. Administrative action and civil litigation are handled by the General Counsel's office. Evidence of knowing and willful violations of the law may be referred to the Attorney General.

Routine Use for Disclosure to the Department of Justice for Use in Litigation: It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when:

- (a) The agency, or any component thereof; or
- (b) Any employee of the agency in his or her official capacity; or
- (c) Any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or

(d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components,

is a party to litigation or has an interest in such litigation, and the use of such reports by the Department of Justice is deemed by the Federal Election Commission to be relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

Routine Use for Agency Disclosure in Litigation: It shall be a routine use of records maintained by this agency to disclose them in a proceeding before a court or adjudicative body before which the agency is authorized to appear, when:

- (a) The agency, or any component thereof; or

(b) Any employee of the agency in his or her official capacity; or

(c) Any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or

(d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components,

is a party to litigation or has an interest in such litigation, and the Federal Election Commission determines that on a case by case basis use of such records is relevant and necessary to the litigation, provided however, that the agency determines that disclosure of the records is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records. Closed compliance cases are duplicated, stored on microfilm and are available to the public, minus information deemed to be exempt under the Freedom of Information Act.

Retrievability:

This system is indexed and retrievable by name of complainant or respondent by compliance action number or by microfilm roll and frame number, as appropriate.

Safeguards:

This system is kept in locked filing cabinets in limited access areas under personal surveillance during working hours, and in locked filing cabinets in locked rooms at other times.

Retention and disposal:

Indefinite.

System manager(s) and address:

The General Counsel, Federal Election Commission, Washington, D.C. 20463 (202/523-4143).

Notification procedure:

Refer to Commission access regulations at 11 CFR 1.1 et seq., 41 FR 43064 (1976).

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Complainants, respondents, third parties who have been requested, or subpoenaed, to produce relevant information, and the Federal Election Commission.

Systems exempted from certain provisions of the act:

With respect to open investigations, the system is exempt pursuant to 5 U.S.C. 552a(k)(2). See 11 CFR Part 114.

FEC 4

System name:

Mailing Lists.

System location:

Federal Election Commission, Washington, D.C. 20463.

Categories of individuals covered by the system:

(a) Individuals and institutions who have requested a subscription to the record.

(b) Individuals who have requested FEC publications.

(c) State and local election officials interested in keeping informed of developments.

(d) Reporters who request releases; media added by the Press Office.

Categories of records in the system:

(a) Lists of names, addresses, principal areas of interest.

(b) List of names, addresses and subjects of interest to the requestor.

(c) List of names, addresses, duties and jurisdictions.

(d) Computer listings.

Authority for maintenance of the system:

2 U.S.C. 438 (a) for all categories.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(a) Distribution of monthly newsletter, the Record, to subscribers.

(b) To forward new publications and other informational materials to persons who have expressed an interest in the subject matter.

(c) To distribute publications and other materials of interest to those who administer the election law of the states.

(d) To mail press releases.

Routine Use for Disclosure to the Department of Justice for Use in Litigation: It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when:

- (a) The agency, or any component thereof; or
- (b) Any employee of the agency in his or her official capacity; or
- (c) Any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or
- (d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components,

is a party to litigation or has an interest in such litigation, and the use of such reports by the Department of Justice is deemed by the Federal Election Commission to be relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

Routine Use for Agency Disclosure in Litigation: It shall be a routine use of records maintained by this agency to disclose them in a proceeding before a court or adjudicative body before which the agency is authorized to appear, when:

- (a) The agency, or any component thereof; or
- (b) Any employee of the agency in his or her official capacity; or
- (c) Any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or
- (d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components,

is a party to litigation or has an interest in such litigation, and the Federal Election Commission determines that on a case by case basis use of such records is relevant and necessary to the litigation, provided however, that the agency determines that disclosure of the records is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computerized for all categories.

Retrievability:

- (a) Name or identification numbers.
- (b) Name.
- (c) Name, title, jurisdiction or region of the country.
- (d) Name of individual or name of media.

Safeguards:

Access code with password for all categories.

Retention and disposal:

- (a) Purged every two years or upon request of subscriber.
- (b) Purged every two years.
- (c) Indefinite.
- (d) Indefinite.

System manager(s) and address:

Assistant Staff Director for Information, Federal Election Commission, Washington, D.C. 20463 (202/523-4068).

Notification procedure:

Refer to Commission access regulations at 11 CFR 1.1 et seq., 41 FR 43064 (1976).

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

- (a) Individuals and organizations who request a subscription to the Record.
- (b) Individuals to whom the Information Division has mailed publications.
- (c) Officials requiring up-to-date information on elections administration.
- (d) Oral and written requests to be placed on list; media directories.

FEC 5

System name:

Personnel records.

System location:

Federal Election Commission, Washington, D.C. 20463

Categories of individuals covered by the system:

Applicants for employment, current employees (including unpaid interns), and former employees.

Categories of records in the system:

- (a) SF-171's/resumes.
- (b) SF-7 Record Cards (former employees).
- (c) Official Personnel Folder (OPF).
- (d) Employee Performance Folders (EPF)
- (e) Individual Employee Master Files.
- (f) Discipline/Adverse Action Files.
- (g) Outside Employment Files.

Authority for maintenance of the system:

2 U.S.C. 437c and 5 CFR Part 293.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(a) SF-171's/Resumes—used by Personnel staff and all levels of management to evaluate qualifications and make personnel selections.

(b) SF-7 Record Cards—used by Personnel staff to verify salary, grade and service of former employees for use by prospective employers, credit bureaus, etc.

(c) OPF—used by Personnel staff to process and record personnel actions, and by Personnel staff and line managers to evaluate skills, ability and qualifications for selection, promotion, and other personnel actions.

(d) EPF—used by Personnel staff to record performance-related information such as performance appraisals, and by line managers as basis for personnel actions.

(e) Individual Employee Master File—computer-stored record of all personnel actions and other pertinent employee data; used by Personnel staff to press and record personnel actions and by the Supervisory Computer Systems Analyst to update and revise files, programs and produce required statistical reports.

(f) Discipline and Adverse Actions—used by Personnel staff and line managers in considering decisions on such actions, and for appeals, grievances and hearings.

(g) Outside Employment Files—used by Personnel and legal staff to consider requests for outside employment and to verify approval/disapproval.

In addition to the above, in the event that a system of records maintained by this agency to carry out its functions indicated a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from the system of records may be disclosed as "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized complaints examiner, equal employment opportunity investigator, administrative law judge, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint or appeal filed by an employee. A record from this system of records may be disclosed to the U.S. Office of Personnel Management in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

A record from this system of records may be disclosed to officers and employees of a Federal agency for purposes of audit.

Routine Use for Disclosure to the Department of Justice for Use in Litigation: It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when:

- (a) The agency, or any component thereof; or
- (b) Any employee of the agency in his or her official capacity; or
- (c) Any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or
- (d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components,

is a party to litigation or has an interest in such litigation, and the use of such reports by the Department of Justice is deemed by the Federal Election Commission to be relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

Routine Use for Agency Disclosure in Litigation: It shall be a routine use of records maintained by this agency to disclose them in a proceeding before a court or adjudicative body before which the agency is authorized to appear, when:

- (a) The agency, or any component thereof; or
- (b) Any employee of the agency in his or her official capacity; or
- (c) Any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or
- (d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components,

is a party to litigation or has an interest in such litigation, and the Federal Election Commission determines that on a case by case basis use of such records is relevant and necessary to the litigation, provided however, that the agency determines that disclosure of the records is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

- (a) Hard copy record kept in Personnel Office.
- (b) Hard copy record kept in Personnel Office.
- (c) Hard copy record kept in Personnel Office.
- (d) Computer disk packs within central processing unit.
- (f) Hard copy record kept in Personnel Office.
- (g) Hard copy record kept in Personnel Office.

Retrievability:

- (a) Retrieval by hand of alphabetical files.
- (b) Retrieval by hand of alphabetical files.
- (c) Retrieval by hand of alphabetical files.
- (d) Retrieval by hand of alphabetical files.
- (e) On line access using SSN.
- (f) Retrieval by hand of alphabetical files.
- (g) Retrieval by hand of alphabetical files.

Safeguards:

- (a) Locked file cabinet in locked office.
- (b) Locked office.
- (c) Locked file cabinet in locked office.
- (d) Locked file cabinet in locked office.
- (e) Overall password for group number; individual password for each program; knowledge of password limited to appropriate personnel.
- (f) Locked file cabinet in locked office.

Retention and disposal:

- (a) 1 year; shredded.
- (b) Indefinite.
- (c) Indefinite; transferred with employee to succeeding agency or retired to Federal Records Center upon retirement or termination/resignation from Federal service or death.
- (d) Indefinite; shredded within 30 days of employee departure unless part of ongoing adjudicatory action.
- (e) Indefinite.
- (f) 2 years; shredded.
- (g) 2 years; shredded.

System manager(s) and address:

Director of Personnel, Federal Election Commission, Washington, D.C. 20463 (202/523-4114).

Notification procedure:

Refer to Commission access regulations at 11 CFR 1.1 et seq., 41 FR 43064 (1976).

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Personnel applications, resumes, employment forms, records of personnel action.

FEC 6

System name:

Candidate reports and designations.

System location:

Federal Election Commission, Washington, D.C. 20463.

Categories of individuals covered by the system:

Candidates for Federal office required to file reports of contributions and expenditures and designations of campaign depositories and authorized committees.

Categories of records in the system:

Reports and Statements of candidates; reports by delegates and other persons making contributions or independent expenditures and designations on behalf of a Federal candidate but not through a political committee, candidate, or authorized committee or agent of a candidate.

Authority for maintenance of the system:

2 U.S.C. 432(e), 434, and 437b(a)(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

This system may be used by any person for information purposes. However, any information compiled from such reports shall not be sold or utilized by any person for the purposes of soliciting contributions or for any commercial purpose.

Routine Use for Disclosure to the Department of Justice for Use in Litigation: It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when:

- (a) The agency, or any component thereof; or
- (b) Any employee of the agency in his or her official capacity; or
- (c) Any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or
- (d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components,

is a party to litigation or has an interest in such litigation, and the use of such reports by the Department of Justice is deemed by the Federal Election Commission to be relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

Routine Use for Agency Disclosure in Litigation: It shall be a routine use of records maintained by this agency to disclose them in a proceeding before a court or adjudicative body before which the agency is authorized to appear, when:

- (a) The agency, or any component thereof; or
- (b) Any employee of the agency in his or her official capacity; or
- (c) Any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or
- (d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components,

is a party to litigation or has an interest in such litigation, and the Federal Election Commission determines that on a case by case basis use of such records is relevant and necessary to the litigation, provided however, that the agency determines that disclosure of the records is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records and/or microfilm and on-line disk storage electronic data processing system.

Retrievability:

Retrievable by candidate's name or by State, in which candidate seeks election; candidate identification number or last name for computer storage.

Safeguards:

Locked filing cabinets.

Retention and disposal:

Reports are preserved for a 10-year period except that reports relating solely to candidates for the House of Representative are preserved for 5 years from the date of receipt. Microfilm is preserved indefinitely.

System manager(s) and address:

Assistant Staff Director for Disclosure, Federal Election Commission, Washington, D.C. 20463 (202/523-4181).

Notification procedure:

Refer to Commission access regulations at 11 CFR 1.1 et seq., 41 FR 43064 (1976).

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Reports filed with the FEC.

FEC 7**System name:**

Certification for primary matching funds and general election campaign funds.

System location:

Federal Election Commission, Washington, D.C. 20463.

Categories of individuals covered by the system:

Candidates for nomination or election to the Office of President of the United States.

Categories of records in the system:

Certification forms and supporting data requesting matching funds or election funds.

Authority for maintenance of the system:

26 U.S.C. 9003, 9006; 26 U.S.C. 9033, 9036, 9037.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Certification of eligibility for funds by presidential candidates. These files are available for public inspection.

Routine Use for Disclosure to the Department of Justice for Use in Litigation: It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when:

- (a) The agency, or any component thereof; or
- (b) Any employee of the agency in his or her official capacity; or
- (c) Any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or
- (d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components,

is a party to litigation or has an interest in such litigation, and the use of such reports by the Department of Justice is deemed by the Federal Election Commission to be relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

Routine Use for Agency Disclosure in Litigation: It shall be a routine use of records maintained by this agency to disclose them in a proceeding before a court or adjudicative body before which the agency is authorized to appear, when:

- (a) The agency, or any component thereof; or
- (b) Any employee of the agency in his or her official capacity; or
- (c) Any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or
- (d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components,

is a party to litigation or has an interest in such litigation, and the Federal Election Commission determines that on a case by case basis use of such records is relevant and necessary to the litigation, provided however, that the agency determines that disclosure of the records is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Paper records.

Retrievability:

Indexed by name of candidate.

Safeguards:

Locked filing cabinets.

Retention and disposal:

Indefinite.

System manager(s) and address:

Assistant Staff Director for Audit, Federal Election Commission, Washington, D.C. 20463 (202/523-4155).

Notification procedure:

Refer to Commission access regulations at 11 CFR 1.1 et seq., 41 FR 43064 (1976).

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Certification reports filed with the Commission.

FEC 8**System name:**

Payroll records.

System location:

Federal Election Commission, Washington, D.C. 20463.

Categories of records in the system:

Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefit records; requests for deductions; tax forms; W-2 forms; overtime requests; leave data; and retirement records. Records are used by Commission employees to maintain adequate payroll information for Commission employees, and otherwise by Commission employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system:

31 U.S.C., generally. Also, 2 U.S.C. 437c(f).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In the event that a system of records maintained by this agency to carry out its functions indicated a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation of prosecuting such violation or charged with enforcement or implementing the statute or rule, regulations or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, State, or local agency maintaining civil, criminal or other relevant enforcement information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the Office of Personnel Management in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

A record from this system of records may be disclosed to officers and employees of a Federal agency for purposes of audit.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that circular.

Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of Treasury form W-2, wage and tax statement, also is disclosed to the State and city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Assistant Director for Administration; Federal Election Commission, Washington, DC 20463. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the Assistant Staff Director for Administration.

In the absence of a withholding agreement, the Social Security number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security number, in accordance with Section 7 of the Privacy Act.

Routine Use for Disclosure to the Department of Justice for Use in Litigation: It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when:

- (a) The agency, or any component thereof; or
- (b) Any employee of the agency in his or her official capacity; or
- (c) Any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or
- (d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components,

is a party to litigation or has an interest in such litigation, and the use of such reports by the Department of Justice is deemed by the Federal Election Commission to be relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

Routine Use for Agency Disclosure in Litigation: It shall be a routine use of records maintained by this agency to disclose them in a proceeding before a court or adjudicative body before which the agency is authorized to appear, when:

- (a) The agency, or any component thereof; or
- (b) Any employee of the agency in his or her official capacity; or
- (c) Any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or
- (d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components,

is a party to litigation or has an interest in such litigation, and the Federal Election Commission determines that on a case by case basis use of such records is relevant and necessary to the litigation, provided however, that the agency determines that disclosure of the records is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer disk packs within central processing unit.

Retrievability:

On line access program utilizing employee social security number.

Safeguards:

Overall password for group number; individual password for each program; knowledge of password limited to appropriate personnel.

Retention and disposal:

Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address:

Assistant Staff Director for Administration, Federal Election Commission, Washington, D.C. 20463 (202/523-4112).

Notification procedure:

Refer to Commission access regulations at 11 CFR 1.1 et seq., 41 FR 43064 (1976).

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

The subject individual; the Federal Election Commission.

FEC 9

System name:

Litigation Actions.

System location:

Federal Election Commission, Washington, D.C. 20463.

Categories of individuals covered by the system:

Individuals who have brought judicial action against the Commission and individuals against whom the Commission has brought judi-

cial action pursuant to 2 U.S.C. 437g or 437h, 26 U.S.C. 9011 or 9041, 5 U.S.C. 552 or any other statute.

Categories of records in the system:

All papers incident to a law suit, including discovery materials, motions briefs and orders.

Authority for maintenance of the system:

2 U.S.C. 437g(a)(6), 437g(a)(8), 437g(a)(11), and 437h.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Maintained for historical purposes and for consultation as precedent in subsequent judicial or administrative actions. Civil litigation is handled by the General Counsel's office. Access is limited to FEC staff on a restricted basis.

Routine Use for Disclosure to the Department of Justice for Use in Litigation: It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when:

- (a) The agency, or any component thereof; or
- (b) Any employee of the agency in his or her official capacity; or
- (c) Any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or
- (d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components,

is a party to litigation or has an interest in such litigation, and the use of such reports by the Department of Justice is deemed by the Federal Election Commission to be relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

Routine Use for Agency Disclosure in Litigation: It shall be a routine use of records maintained by this agency to disclose them in a proceeding before a court or adjudicative body before which the agency is authorized to appear, when:

- (a) The agency, or any component thereof; or
- (b) Any employee of the agency in his or her official capacity; or
- (c) Any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or
- (d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components,

is a party to litigation or has an interest in such litigation, and the Federal Election Commission determines that on a case by case basis use of such records is relevant and necessary to the litigation, provided however, that the agency determines that disclosure of the records is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records and microfilm.

Retrievability:

System indexed by name of party litigant and, as applicable, by microfilm roll and frame number.

Safeguards:

This system is kept in locked filing cabinets or in limited access areas under personal surveillance during working hours, and in locked rooms at other times.

Retention and disposal:

Indefinite.

System manager(s) and address:

The General Counsel, Federal Election Commission, Washington, D.C. 20463 (202/523-4143).

Notification procedure:

Refer to Commission access regulations at 11 CFR 1.1 et seq., 41 FR 43064 (1976).

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual party litigants and counsel, court personnel and the Federal Election Commission.

FEC 10

System name:

Letter file, public communications.

System location:

Federal Election Commission, Washington, D.C. 20463.

Categories of individuals covered by the system:

Individuals who have written to the FEC requesting answers to specific questions.

Categories of records in the system:

Inquiries by individuals concerning the Federal Election Campaign Act of 1971, as amended.

Authority for maintenance of the system:

2 U.S.C. 438(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Response to inquiries.

Routine Use for Disclosure to the Department of Justice for Use in Litigation: It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when:

- (a) The agency, or any component thereof; or
- (b) Any employee of the agency in his or her official capacity; or
- (c) Any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or
- (d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components,

is a party to litigation or has an interest in such litigation, and the use of such reports by the Department of Justice is deemed by the Federal Election Commission to be relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

Routine Use for Agency Disclosure in Litigation: It shall be a routine use of records maintained by this agency to disclose them in a proceeding before a court or adjudicative body before which the agency is authorized to appear, when:

- (a) The agency, or any component thereof; or
 - (b) Any employee of the agency in his or her official capacity; or
 - (c) Any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or
 - (d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components,
- is a party to litigation or has an interest in such litigation, and the Federal Election Commission determines that on a case by case basis use of such records is relevant and necessary to the litigation, provided however, that the agency determines that disclosure of the records is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper files.

Retrievability:

Name of individual.

Retention and disposal:

Retained in-house for one year; shipped afterward to general storage.

System manager(s) and address:

Assistant Staff Director for Information, Federal Election Commission, Washington, D.C. 20463 (202/523-4068).

Notification procedure:

Refer to Commission access regulations at 11 CFR 1.1 et seq., 41 FR 43064 (1976).

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individuals who request information in writing.

FEC 11

System name:

Contributor Name Index System.

System location:

Federal Election Commission, Washington, D.C., 20463.

Categories of individuals covered by the system:

Individuals who have been listed on campaign finance reports as having given 500 dollars or more per transaction to a Federal candidate or their supporting political committee.

Categories of records in the system:

On-line disk storage electronic data processing index of names.

Authority for maintenance of the system:

2 U.S.C. 441a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Commission staff and the public may use this system to ascertain whether and to what extent named individuals have made contributions to Federal candidates and political committees.

Routine Use for Disclosure to the Department of Justice for Use in Litigation: It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when:

- (a) The agency, or any component thereof; or
- (b) Any employee of the agency in his or her official capacity; or
- (c) Any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or
- (d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components,

is a party to litigation or has an interest in such litigation, and the use of such reports by the Department of Justice is deemed by the Federal Election Commission to be relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

Routine Use for Agency Disclosure in Litigation: It shall be a routine use of records maintained by this agency to disclose them in a proceeding before a court or adjudicative body before which the agency is authorized to appear, when:

- (a) The agency, or any component thereof; or
 - (b) Any employee of the agency in his or her official capacity; or
 - (c) Any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or
 - (d) The United States, where the agency determines that litigation is likely to affect the agency or any of its components,
- is a party to litigation or has an interest in such litigation, and the Federal Election Commission determines that on a case by case basis use of such records is relevant and necessary to the litigation, provided however, that the agency determines that disclosure of the records is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

On-line disk storage electronic data.

Retrievability:

Indexed by last name of contributor.

Safeguards:

Requests are handled only on an overnight request basis, with Commission staff doing research and retrieval.

Retention and disposal:

Indefinite.

System manager(s) and address:

Assistant Staff Director for Data Systems Development Division, Federal Election Commission, Washington, D.C. 20463 (202/523-4020).

Notification procedure:

Refer to Commission access regulations at 11 CFR 1.1 et seq., 41 FR 43064 (1976).

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual contributors.

Title 11-Federal Elections

Chapter I-Federal Election Commission

PART 1-PRIVACY ACT

Sec.

- 1.1 Purpose and scope.
- 1.2 Definitions.
- 1.3 Procedures for requests pertaining to individual records in a record system.
- 1.4 Times, places, and requirements for identification of individuals making requests.
- 1.5 Disclosure of requested information to individuals.
- 1.6 Special procedure: Medical records [Reserved].
- 1.7 Request for correction or amendment to record.
- 1.8 Agency review of request for correction or amendment of record.
- 1.9 Appeal of initial adverse agency determination on amendment or correction.
- 1.10 Disclosure of record to person other than the individual to whom it pertains.
- 1.11 Fees.
- 1.12 Penalties.
- 1.13 General exemptions. [Reserved]
- 1.14 Specific exemptions.

Authority: 5 U.S.C. 552a.

Source: 41 FR 43064, Sept. 29, 1976, unless otherwise noted.

§ 1.1 Purpose and scope.

(a) The purpose of this part is to set forth rules informing the public as to what information is maintained by the Federal Election Commission about identifiable individuals and to inform those individuals how they may gain access to and correct or amend information about themselves.

(b) The regulations in this part carry out the requirements of the Privacy Act of 1974 (Pub. L. 93-579) and in particular 5 U.S.C. 552a as added by that Act.

(c) The regulations in this part apply only to records disclosed or requested under the Privacy Act of 1974, and not to requests for information made pursuant to 5 U.S.C. 552, the Freedom of Information Act, or requests for reports and statements filed with the Federal Election Commission which are public records and available for inspection and copying pursuant to 2 U.S.C. 437g(a)(4) (C) and 438(a)(4).

§ 1.2 Definitions.

As defined in the Privacy Act of 1974 and for the purposes of this part, unless otherwise required by the context, the following terms shall have these meanings:

"Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

"Maintain" includes maintain, collect, use or disseminate.

"Record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including but not limited to his or her education, financial transactions, medical history, and criminal or employment history and that contains his or her name, or the identifying number, symbol or other identifying particular assigned to the individual, such as finger or voice print or a photograph.

"Systems of Records" means a group of any records under the control of the Federal Election Commission from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

"Routine use" means the use of such record for a purpose compatible with the purpose for which the information was collected.

"Commission" means the Federal Election Committee, its Commissioners and employees.

"Commissioners" means the six appointees confirmed by the Senate who are voting members of the Commission.

"Act" means the Federal Election Campaign Act of 1971, as amended and Chapters 95 and 96 of the Internal Revenue Code of 1954.

§ 1.3 Procedures for requests pertaining to individual records in a record system.

(a) Any individual may request the Commission to inform him or her whether a particular record system named by the individual contains a record pertaining to him or her. The request may be made in person or in writing at the location and to the person specified in the notice describing that record system.

(b) An individual who believes that the Commission maintains records pertaining to him or her but who cannot determine which record system contains those records, may request assistance by mail or in person from the Staff Director, Federal Election Commission, 1325 K Street, NW, Washington, D.C. 20463 during the hours of 9 a.m. to 5:30 p.m.

(c) Requests under paragraph (a) or (b) of this section shall be acknowledged by the Commission within 15 days from the date of receipt of the request. If the Commission is unable to locate the information requested under paragraph (a) or (b) of this section, it shall so notify the individual within 15 days after receipt of the request. Such acknowledgment may request additional information to assist the Commission in locating the record or it may advise the individual that no

record or document exists about that individual.

§ 1.4 Times, places, and requirements for identification of individuals making requests.

(a) After being informed by the Commission that a record system contains a record pertaining to him or her, an individual may request the Commission to disclose that record in the manner described in this section. Each request for the disclosure of a record or a copy of it shall be made at the Federal Election Commission, 1325 K Street, NW, Washington, D.C. 20463 and to the system manager identified in the notice describing the systems of records, either in writing or in person. Requests may be made by specifically authorized agents or by parents or guardians of individuals.

(b) Each individual requesting the disclosure of a record or copy of a record shall furnish the following information with his or her request:

(1) The name of the record system containing the record;

(2) Proof as described in paragraph (c) of this section that he or she is the individual to whom the requested record relates;

(3) Any other information required by the notice describing the record system.

(c) Proof of identity as required by paragraph (b)(2) of this section shall be provided as described in paragraph (c)(1) and (2) of this section. Requests made by an agent, parent, or guardian, shall be in accordance with the procedures described in § 1.10.

(1) Requests made in writing shall include a statement, signed by the individual and either notarized or witnessed by two persons (including witnesses' addresses). If the individual appears before a notary, he or she shall submit adequate proof of identification in the form of a drivers license, birth certificate, passport or other identification acceptable to the notary. If the statement is witnessed, it shall include a sentence above the witnesses' signatures that they personally know the individual or that the individual has submitted proof of his or her identification to their satisfaction. In any case in which, because of the extreme sensitivity of the record sought to be seen or copied, the Commission determines that the identification is not adequate, it may request the individual to submit additional proof of identification.

(2) If the request is made in person, the requestor shall submit proof of identification similar to that described in paragraph (c)(1) of this section,

acceptable to the Commission. The individual may have a person of his or her own choosing accompany him or her when the record is disclosed.

§ 1.5 Disclosure of requested information to individuals.

(a) Upon submission of proof of identification as required by § 1.4, the Commission shall allow the individual to see and/or obtain a copy of the requested record or shall send a copy of the record to the individual by registered mail. If the individual requests to see the record, the Commission may make the record available either at the location where the record is maintained or at a place more suitable to the requestor, if possible. The record shall be made available as soon as possible but in no event later than 15 days after proof of identification.

(b) The Commission must furnish each record requested by an individual under this part in a form intelligible to that individual.

(c) If the Commission denies access to a record to an individual, he or she shall be advised of the reason for the denial and advised of the right to judicial review.

(d) Upon request, an individual will be provided access to the accounting of disclosures from his or her record under the same procedures as provided above and in § 1.4.

§ 1.6 Special procedure: Medical records. (Reserved)

§ 1.7 Request for correction or amendment to record.

(a) Any individual who has reviewed a record pertaining to him or her that was furnished under this part, may request the Commission to correct or amend all or any part of that record.

(b) Each individual requesting a correction or amendment shall send the request to the Commission through the person who furnished the record.

(c) Each request for a correction or amendment of a record shall contain the following information:

(1) The name of the individual requesting the correction or amendment;

(2) The name of the system of records in which the record sought to be amended is maintained;

(3) The location of the system of records from which the individual record was obtained;

(4) A copy of the record sought to be amended or corrected or a sufficiently detailed description of that record;

(5) A statement of the material in the record that the individual desires to correct or amend;

(6) A statement of the basis for the requested correction or amendment including any material that the individual can furnish to substantiate the reasons for the correction or amendment sought.

§ 1.8 Agency review of request for correction or amendment of record.

(a) The Commission shall, not later than ten (10) days (excluding Saturdays, Sundays and legal holidays) after the receipt of the request for a correction or amendment of a record under § 1.7, acknowledge receipt of the request and inform the individual whether information is required before the correction or amendment can be considered.

(b) If no additional information is required, within ten (10) days from receipt of the request, the Commission shall either make the requested correction or amendment or notify the individual of its refusal to do so, including in the notification the reasons for the refusal, and the appeal procedures provided in § 1.9.

(c) The Commission shall make each requested correction or amendment to a record if that correction or amendment will tend to negate inaccurate, irrelevant, untimely, or incomplete matter in the record.

(d) The Commission shall inform prior recipients of any amendment or correction or notation of dispute of such individual's record if an accounting of the disclosure was made. The individual may request a list of prior recipients if an accounting of the disclosure was made.

§ 1.9 Appeal of initial adverse agency determination on amendment or correction.

(a) Any individual whose request for a correction or amendment has been denied in whole or in part, may appeal that decision to the Commissioners no later than one hundred eighty (180) days after the adverse decision is rendered.

(b) The appeal shall be in writing and shall contain the following information:

(1) The name of the individual making the appeal;

(2) Identification of the record sought to be amended;

(3) The record system in which that record is contained;

(4) A short statement describing the amendment sought; and

(5) The name and location of the agency official who initially denied the correction or amendment.

(c) Not later than thirty (30) days (excluding Saturdays, Sundays and legal holidays) after the date on which the Commission receives the appeal, the Commissioners shall complete their

review of the appeal and make a final decision thereon. However, for good cause shown, the Commissioners may extend that thirty (30) day period. If the Commissioners extend the period, the individual requesting the review shall be promptly notified of the extension and the anticipated date of a decision.

(d) After review of an appeal, the Commission shall send a written notice to the requestor containing the following information:

(1) The decision and, if the denial is upheld, the reasons for the decision;

(2) The right of the requestor to institute a civil action in a Federal District Court for judicial review of the decision; and

(3) The right of the requestor to file with the Commission a concise statement setting forth the reasons for his or her disagreement with the Commission denial of the correction or amendment. The Commission shall make this statement available to any person to whom the record is later disclosed, together with a brief statement, if appropriate, of the Commission's reasons for denying the requested correction or amendment. The Commission shall also send a copy of the statement to prior recipients of the individual's record if an accounting of the disclosures was made.

§ 1.10 Disclosure of record to person other than the individual to whom it pertains.

(a) Any individual who desires to have a record covered by this Part disclosed to or mailed to another person may designate such person and authorize such person to act as his or her agent for that specific purpose. The authorization shall be in writing, signed by the individual and notarized or witnessed as provided in § 1.4(c).

(b) The parent of any minor individual or the legal guardian of any individual who has been declared by a court of competent jurisdiction to be incompetent, due to physical or mental incapacity or age, may act on behalf of that individual in any matter covered by this part. A parent or guardian who desires to act on behalf of such an individual shall present suitable evidence of parentage or guardianship, by birth certificate, certified copy of a court order, or similar documents, and proof of the individual's identity in a form that complies with § 1.4(c) of this Part.

(c) An individual to whom a record is to be disclosed in person, pursuant to this part may have a person of his or her own choosing accompany him or her when the record is disclosed.

§ 1.11 Fees.

(a) The Commission shall not charge an individual for the costs of making a search for a record or the costs of reviewing the record. When the Commission makes a copy of a record as a necessary part of the process of disclosing the record to an individual, the Commission shall not charge the individual for the cost of making that copy.

(b) If an individual requests the Commission to furnish a copy of the record, the Commission shall charge the individual for the costs of making the copy. The fee that the Commission has established for making a copy is ten cents (\$.10) per page.

§ 1.12 Penalties.

Any person who makes a false statement in connection with any request for a record, or an amendment

or correction thereto, under this part, is subject to the penalties prescribed in 18 U.S.C. 494 and 495.

§ 1.13 General exemptions. [Reserved]**§ 1.14 Specific exemptions.**

(a) No individual, under the provisions of these regulations, shall be entitled to access to materials compiled in its systems of records identified as FEC audits and investigations (FEC 2) or FEC compliance actions (FEC 3). These exempted systems relate to the Commission's power to exercise exclusive civil jurisdiction over the enforcement of the Act under 2 U.S.C. 437d(a)(6) and (e); and to defend itself in actions filed against it under 2 U.S.C. 437d(a)(6). Further the Commission has a duty to investigate violations of the Act under 2 U.S.C. 437g(a)(2); to conduct audits and investigations pursuant to 2

U.S.C. 438(b); 26 U.S.C. 9007 and 9038; and to refer apparent violations of the Act to the Attorney General or other law enforcement authorities under 2 U.S.C. 437g(a)(5) and 437(d)(9). Information contained in FEC systems 2 and 3 contain the working papers of the Commission staff and form the basis for either civil and/or criminal proceedings pursuant to the exercise of the powers and duties of the Commission. These materials must be protected until such time as they are subject to public access under the provision of 2 U.S.C. 437g(a)(4)(C) or 5 U.S.C. 552, or other relevant statutes.

(b) The provisions of paragraph (a) of this section shall not apply to the extent that application of the subsection would deny any individual any right, privilege or benefit to which he or she would otherwise be entitled to receive.

FEDERAL EMERGENCY MANAGEMENT AGENCY

FEMA/ADM-1, Central Files (previously FEMA/RMA-4).
 FEMA/ADM-2, Office Services File System (previously FEMA/RMA-5).
 FEMA/ADM-3, Advisory Committee Files (formerly FEMA/RMA-3).
 FEMA/EX-1, Biographies (formerly FEMA/PA-1).
 FEMA/FIA-1, Federal Crime Insurance Program.
 FEMA/FIA-2, National Flood Insurance Application and Related Documents Files.
 FEMA/GC-1, Claims (Litigation).
 FEMA/GC-2, FEMA Enforcement (Compliance).
 FEMA/GOVT-1, National Defense Executive Reserve System.
 FEMA/IG-1, General Investigative Files.
 FEMA/NETC-1, Student Application and Registration Records
 FEMA/NETC-2, Emergency Management Training Program Home Study Courses (formerly FEMA/NETC-4).
 FEMA/NETC-3, President's and Director's Award Nominees (formerly FEMA/NETC-5).
 FEMA/NETC-4, Records of Alleged Misconduct of Students Attending Training Courses of the National Emergency Training Center.
 FEMA/NPP-1, Resources Interruption Monitoring System (formerly FEMA/NPP-2).
 FEMA/NPP-2, Scientific and Technical Information System (formerly FEMA/NPP-4).
 FEMA/NPP-3, Industrial Group Consultation.
 FEMA/OC-1, Payroll and Leave Accounting (formerly FEMA/RMA-1).
 FEMA/OC-2, Travel and Transportation Accounting (formerly FEMA/RMA-2).
 FEMA/OC-3, Debt Collection Files (formerly FEMA/RMA-9).
 FEMA/OP-1, Emergency Assignment System (formerly FEMA/RMA-6).
 FEMA/OP-2, Key Personnel Central Locator List (formerly FEMA/RMA-7).
 FEMA/PER-1, Grievance Records (previously FEMA/RMA-8).
 FEMA/PER-2, Equal Employment Opportunity Complaints of Discrimination Files (formerly FEMA/EO-1).
 FEMA/PER-3, Disaster Assistance Personnel Reservists Files (formerly FEMA/SLPS-3).
 FEMA/REG-1, State and Local Civil Preparedness Instructional Program (SLCPIP).
 FEMA/REG-2, Temporary Housing Files (formerly FEMA/SLPS-2).
 FEMA/REG-3, Disaster Recovery Assistance Files (formerly FEMA/SLPS-1).
 FEMA/SEC-1, Securities Management Information System (previously FEMA/RMA-6).
 FEMA/SLPS-1, Application for Enrollment in Architectural Engineering Professional Development Program (formerly FEMA/SLPS-4).
 FEMA/SLPS-2, Military Reserve Program (formerly FEMA/SLPS-7).
 FEMA/SLPS-3, Radioactive Materials Inventory (formerly FEMA/SLPS-8).
 FEMA/SLPS-4, Maintenance and Calibration (formerly FEMA/SLPS-9).
 FEMA/SLPS-5, Radiation Exposure and Radioactive Materials; Radiation Committee Records (formerly FEMA/SLPS-10).
 FEMA/SLPS-6, Temporary and Permanent Personal and Real Property Acquisition and Relocation Files (formerly FEMA/SLPS-12).

FEMA/ADM-1

System name:

Central Files.

Security classification:

Unclassified.

System location:

Office of Administrative Services, Federal Emergency Management Agency, Washington, DC 20472; National Emergency Training Center and all Regional offices. Addresses for the Regional Offices are listed in Appendix AA.

Categories of individuals covered by the system:

Individuals, including Congress, from whom an inquiry or request is received and from whom a reply is addressed. Transmittals for publications, etc., are not retained.

Categories of records in the system:

Correspondence applicable to the internal administration of the Agency; e.g., accounting, correspondence pertinent to the personnel program, budget, procurement, administrative services, etc., congressional correspondence, public affairs activities, correspondence concerning regional activities, equal opportunity, program analysis and evaluation, operations support (communications and computer services, operations center activities), Federal Insurance Administration, U.S. Fire Administration, training and education activities, activities concerning nationwide plans and preparedness for peacetime and wartime emergencies, hazard mitigation, research program relative to Agency missions, Federal disaster assistance program activities.

Authority for maintenance of the system:

5 U.S.C. 301; 44 U.S.C. 3101; 50 U.S.C. App. 2253; E.O. 12127; E.O. 12148; and Reorganization Plan No. 3.

Purpose(s):

For the purpose of maintaining a record and background material concerning inquiries made to FEMA and FEMA responses.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Routine uses may include any of the uses listed in Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records are maintained in file folders.

Retrievability:

Alphabetically by inquirer's name, except that responses to Congressional inquiries are filed separately.

Safeguards:

Paper records are maintained in locked containers and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Records are covered by General Records Schedule 23. Office administrative files are destroyed when 2 years old or when no longer needed, whichever is sooner. Records containing substantive information relating to the official activities of high level officials are considered permanent and will be offered to the National Archives. If the offer is not accepted, the records will be destroyed when 6 years old.

System manager(s) and address:

Director, Office of Administrative Support Federal Emergency Management Agency, Washington, DC. 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

Notification procedure:

Individuals wishing to inquire whether this system of records contains information about themselves should contact the system manager identified above. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Requests should include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individuals should be able to provide some acceptable identification, that is, driver's license, employing organization's identification card, or other identification card.

Record access procedures:

Same as Notification procedures above.

Contesting record procedures:

Same as Notification procedures above. The letter should state clearly and concisely what information is being contested the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

All records in the system consist of FEMA generated records according to a request or inquiry from the individual.

Systems exempted from certain provisions of the act:

None.

FEMA/ADM-2

System name:

Office Services File System.

Security classification:

Unclassified.

System location:

Office of Administrative Services, Federal Emergency Management Agency, Washington, DC 20472; National Emergency Training Center and all Regional Offices. Addresses for the Regional Offices are listed in Appendix AA.

Categories of individuals covered by the system:

All employees of FEMA, headquarters and field, including full time permanent, part time, temporary and consultants.

Categories of records in the system:

FEMA Form 61-14, Motor Vehicle Usage Report; Standard Form 91, accident report file; memoranda regarding car pools and parking pools; and telephone directories which contain no personal information but serve as a means of locating individuals during business hours.

Authority for maintenance of the system:

5 U.S.C. 301; 50 U.S.C. App. 2253; 50 U.S.C. App. 2253; E.O. 12127; E.O. 12148; and Reorganization Plan No. 3.

Purpose(s):

For the in-house use of identifying FEMA employees authorized to operate Government vehicles; to record individuals and vehicles involved in accidents involving FEMA-owned or leased vehicles; to maintain a record of FEMA employees authorized official parking spaces; to maintain a record of FEMA employees participating in carpools; and to maintain telephone directories which contain no personal information but serve as a means of locating individuals during business hours.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Routine uses may include any of the uses listed in Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records are maintained in file folders.

Retrievability:

By last name of employee or organizational element.

Safeguards:

Paper records are maintained in locked containers and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Carpool records and telephone directories become obsolete when updated records are prepared. Obsolete records and directories are destroyed. Motor Vehicle Operating and Maintenance files are destroyed when 3 months old. Motor Vehicle Accidents files are destroyed 6 years after case is closed. Disposition of other correspondence not covered in this section shall be destroyed when 2 years old or in accordance with FEMA Records Maintenance and Disposition System.

System manager(s) and address:

Director, Office of Administrative Support Federal Emergency Management Agency, Washington, DC 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

Notification procedure:

Individuals wishing to inquire whether this system of records contains information about themselves should contact the system manager identified above. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Requests should include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individuals should be able to provide some acceptable identification, that is, driver's license, employing organization's identification card, or other identification card.

Record access procedures:

Same as Notification procedures above.

Contesting record procedures:

Same as Notification procedures above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

All records are FEMA generated records based on data submitted by the employee.

Systems exempted from certain provisions of the act:

None.

FEMA/ADM-3

System name:

Advisory Committee Files.

Security classification:

Unclassified.

System location:

Office of Administrative Services, Federal Emergency Management Agency, Washington, DC 20472; and all Regional Offices. Addresses for the Regional Offices are listed in Appendix AA.

Categories of individuals covered by the system:

Federal government employees on FEMA internal committees and on interagency committees; architects and engineers and other persons who are appointed to the FEMA sponsored advisory committees.

Categories of records in the system:

Government employees—name, office address and name of employing agency; Nongovernment employees—biographical material including name of employer, title, address, legal voting residence, place and date of birth, marital status, military service, education, registration in professional societies work experience, record of performance, publications authored, membership on other boards or committees, professional awards, and other information which can be used to determine fitness of individual to sit on the committee, such as description of private associations.

Authority for maintenance of the system:

5 U.S.C. 301; 44 U.S.C. 3101; 50 U.S.C. App. 2253; Pub. L. 42-163, Federal Advisory Committee Act; and E.O. 11769, Advisory Committee Management.

Purpose(s):

For the purpose of maintaining a list of members of the various advisory committees in order to provide them with information on committee functions, meeting dates, agendas, and other purposes for managing the committee activities. To ensure that FEMA participation in private, nongovernmental association, societies, etc., is limited only to the extent of FEMA interest therein; to assure preparation and submittal of certain input information that is needed for the reports required by laws and issuance cited above; and to provide a tool with which top management can assure that the terms of the regulations regarding the creation and use of committees are being complied with.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Routine uses may include any of the uses listed in Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records are maintained in file folders.

Retrievability:

By name of the committee, society, or association, then alphabetically by name of individual.

Safeguards:

Paper records are maintained in locked containers and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Records are covered by General Records Schedule 24 and retained for life of committee.

System manager(s) and address:

Director, Office of Administrative Support Federal Emergency Management Agency, Washington, DC 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

Notification procedure:

Individuals wishing to inquire whether this system of records contains information about themselves should contact the system manager identified above. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Requests should

include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individuals should be able to provide some acceptable identification, that is, driver's license, employing organization's identification card, or other identification card.

Record access procedures:

Same as Notification procedures above.

Contesting record procedures:

Same as Notification procedures above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

Biographical information submitted by government or nongovernmental individuals nominated for membership.

Systems exempted from certain provisions of the act:

None.

FEMA/EX-1

System name:

Biographies.

Security classification:

Unclassified.

System location:

Office of External Affairs, Public Affairs and Intergovernmental Affairs Division, Federal Emergency Management Agency, Washington, DC 20472; National Emergency Training Center, Federal Emergency Management Agency, Emmitsburg, Maryland 21727; and Regional Directors of FEMA, addresses are listed in Appendix AA.

Categories of individuals covered by the system:

Key FEMA Headquarters and Regional staff, State and local Emergency Management Directors/Coordinators, and guest lecturers at the National Emergency Training Center.

Categories of records in the system:

(a) Office of Public Affairs files contain biographies of key officials of FEMA, including Headquarters and Regional offices; (b) Regional files contain biographies of key Regional officials and State and local Emergency Management Directors/Coordinators within regional geographical boundaries. Includes FEMA Form 70-16, Notice of Appointment of Emergency Management Directors/Coordinators; (c) National Emergency Training Center files contain biographies of guest lecturers and other key officials.

Authority for maintenance of the system:

44 U.S.C. 3101; E.O. 12148; E.O. 12127, and Reorganization Plan No. 3 of 1978.

Purpose(s):

For the purpose of preparing speeches, correspondence and other public releases in connection with emergency management programs.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In response to requests from the media and any member of the public requesting biographical data on key FEMA officials, names and addresses of the State and local Emergency Management Directors/Coordinators, and through issuance of public releases. The biographies of guest lecturers are used as background in introducing the lecturers to audiences attending the particular event.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

(a) Key FEMA officials and guest lecturers at the National Emergency Training Center are filed alphabetically by name; (b) State and local Emergency Management Directors/Coordinators are filed alphabetically by State.

Safeguards:

Paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Records are covered by General Records Schedule 14. Biographies for FEMA officials, headquarters and regional offices retained in active file until end of calendar year after separation of employee, then retired to Federal Records Center for permanent retention. The biographies of State and local Directors/Coordinators are retained in active file until end of the calendar year after termination, then destroyed. The biographies of guest lecturers are retained for purposes of the lecturer and if no longer needed for future lecturers, they are destroyed.

System manager(s) and address:

For the biographies of key FEMA officials—Assistant Director, Public Affairs and Intergovernmental Affairs Division, Office of External Affairs, Federal Emergency Management Agency, Washington, DC 20472; For State and local Emergency Management Directors/Coordinators—Regional Director for the specific State, addresses are listed in Appendix AA; For National Emergency Training Center files—Associate Director, Training and Fire Programs, Federal Emergency Management Agency, National Emergency Training Center, 16825 Seton Avenue, Emmitsburg, Maryland 21727.

Notification procedure:

Inquiries should be addressed to the appropriate system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

Record access procedures:

Same as notification procedure above.

Contesting record procedures:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

The key officials on whom biographies are maintained and other knowledgeable sources.

Systems exempted from certain provisions of the act:

None.

FEMA/FIA-1

System name:

Federal Crime Insurance Program.

Security classification:

Unclassified.

System location:

Various offices of a servicing agent under contract to the Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472.

Categories of individuals covered by the system:

Individual policyholders.

Categories of records in the system:

FEMA Form 81-12, Application for Residential Crime Insurance Policy; FEMA Form 85-11, Residential Crime Insurance Policy; FEMA Form 81-14, Worksheet-Building; FEMA Form 81-51, Policy Change Request; FEMA Form 81-36, Abstract of Residential Policy Information. These records include such information as names of policyholders, addresses of insured premises; type of premises; amounts and types of insurance desired; annual premiums; claims information; record of claim payments; record of premium payments; agent's name and address; other insurance held by policyholder; inspection report or protective devices. This system contains the taxpayer's identification number (which may be the social security number).

Authority for maintenance of the system:

Urban Property Protection and Reinsurance Act of 1968; 12 U.S.C. 1749bbb, et seq.; E.O. 12127.

Purpose(s):

For the purpose of verifying coverage of Federal Crime Insurance, issuing policies, claims adjusting and billing procedures.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To the servicing company for the contract and insurance adjustment firms retained by the servicing company for billing, verification of coverage, claims adjusting and issuance of policies; to property loss reporting bureaus; to State Insurance Departments and insurance companies investigating fraud or potential fraud in connection with burglary or robbery claims; to State property insurance facilities, private sector property insurers; and insurance agents and brokers for the purpose of providing crime insurance to Federal crime insurance policyholders prior to and following the expiration of the Federal Crime Insurance Program.

Routine uses may include Nos. 1, 2, 3, 5 and 8 of Appendix A.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Tape/disc library and paper files.

Retrievability:

By name of the policyholders, social security number of policyholder or policy number.

Safeguards:

Personnel screening, hardware and software computer security measures; paper records are maintained in locked containers and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Information is partly current and partly historical. Retention of records shall be for 6 years or until no longer needed. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

System manager(s) and address:

Federal Insurance Administrator, Federal Emergency Management Agency, Washington, DC 20472.

Notification procedure:

Individuals wishing to inquire whether this system of records contains information about themselves should contact the system manager identified above. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Requests should include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individuals should be able to provide some acceptable identification, that is, driver's license, employing organization's identification card, or other identification card.

Record access procedures:

Same as Notification procedures above.

Contesting record procedures:

Same as Notification procedures above. The letter should state clearly and concisely what information is being contested the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

Individual policyholders; police reports (for verification of claims data); servicing companies (for verification of claims data).

Systems exempted from certain provisions of the act:

None.

FEMA/FIA-2

System name:

National Flood Insurance Application and Related Documents Files.

Security classification:

Unclassified.

System location:

Various offices of a servicing agent under contract to the Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472. Copies of some of the files are also provided to the FEMA Regional offices when additional information is requested from their respective offices.

Categories of individuals covered by the system:

Applicants for individual flood insurance and individuals insured.

Categories of records in the system:

Flood insurance, policy issuances and administration records and claims adjustment records and claims adjustment records, including HUD Form 1650 and FEMA Form 81-16, applications for emergency and regular flood insurances; FEMA Form 81-18, endorsements; FEMA Form 81-23, renewal applications; FEMA Form 81-17, cancellation notices; policy questionnaires; FEMA Forms 81-40, 81-41, 81-41a, 81-42, and 81-43, notice of loss; FEMA Form 81-42, proof of loss; FEMA Form 81-44, Statement as to full cost of repair or replacement under the replacement cost coverage, subject to the terms and conditions of the Standard Flood Insurance Policy; FEMA Form 81-45, Adjuster's Short Form Report; FEMA Form 81-57, National Flood Insurance Program Preliminary Report; and FEMA Form 81-58, National Flood Insurance Program Final Report. This system contains the taxpayer's identification number (which may be the social security number).

Authority for maintenance of the system:

National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, 42 U.S.C. 4001, et seq.; 5 U.S.C. 301, Reorganization Plan No. 3 of 1978, and E.O. 12127.

Purpose(s):

For the purpose of carrying out the National Flood Insurance Program and verifying nonduplication of benefits.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To property loss reporting bureaus, State insurance departments, and insurance companies investigating fraud or potential fraud in connection with claims, subject to the approval of the Office of Inspector General, FEMA; to insurance agents, brokers adjusters, and lending institutions for carrying out the purposes of the National Flood Insurance Program; to Small Business Administration, the American Red Cross, the Farmers Home Administration, State and local government individual and family grant and assistance agencies, including but not limited to the State of Ohio Disaster Services Agency and the Johnstown, Pennsylvania Redevelopment Authority for determining eligibility for benefits and for verification of nonduplication of benefits following a flooding event or disaster; to Write-Your-Own companies as authorized in 44 CFR 62.63 to avoid duplication of benefits following a flooding event or disaster and for carrying out the purposes of the National Flood Insurance Program; to State and local government individual and family grant agencies so as to permit such agencies to assess the degree of financial burdens toward residents such as States and local government might reasonably expect to assume in the event of a flooding disaster, and to further the flood insurance marketing activities of the National Flood Insurance Program; to State and local government individual and family grant and assistance agencies which furnish to the Federal Insurance Administration the names and addresses of policyholders for purposes consistent with the relocation projects of the Federal Insurance Administration and acquisition projects under the National Flood Insurance Program carried out pursuant to Section 1362 of the National Flood Insurance Act of 1968, as amended, and to State and local government agencies who provide the names and addresses of policyholders and a brief general description of their plan for acquiring and relocating their flood prone properties for review by the Federal Insurance Administrator to ensure that their State and/or local government agency is engaged in flood plain management improved real property acquisitions and relocation projects consistent with the National Flood Insurance Program; and, upon the approval by the Federal Insurance Administrator, that the use is in the furtherance of the flood plain management and hazard mitigation goals of the Agency; to State and local government agencies and municipalities to review National Flood Insurance Program policy and claim files to assist them in hazard mitigation and flood plain management activities and in monitoring compliance with the flood plain management measures duly adopted by the community; to State governments, federal agencies, and federal financial instrumentalities responsible for the supervision, approval, regulation or insuring or banks, savings and loan associations or similar institutions, all for carrying out the purpose of the National Flood Insurance Program; the property address, flood zone identifier, date of policy issue, and value of policy, solely for the purpose of geocoding the flood insurance policy addresses, may be released to private companies engaged in or planning to engage in activities to market or assist in marketing the sale of flood insurance policies under the National Flood Insurance Program.

Routine uses may include Nos. 1, 5, 6, and 8 of Appendix A.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Magnetic tape/disc/drum and paper files.

Retrievability:

By name of the policyholders and policy number.

Safeguards:

Personnel screening, hardware and software computer security measures; paper records are maintained in locked containers and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Policy records are kept as long as insurance is desired and premiums paid, and for an appropriate time thereafter and claim records are kept for 6 years and 3 months after final action, unless litigation exists. Disposition of records shall be in accordance with FEMA Records Maintenance and Disposition System.

System manager(s) and address:

Federal Insurance Administrator, Federal Emergency Management Agency, Washington, DC 20472.

Notification procedure:

Individuals wishing to inquire whether this system of records contains information about themselves should contact the system manager identified above. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Requests should include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individuals should be able to provide some acceptable identification, that is, driver's license, employing organization's identification card, or other identification card.

Record access procedures:

Same as Notification procedures above.

Contesting record procedures:

Same as Notification procedures above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR part 6.

Record source categories:

Individuals who apply for flood insurance under the National Flood Insurance Program and individuals who are insured under the program.

Systems exempted from certain provisions of the act:

None.

FEMA/GC-1**System name:**

Claims (litigation)

Security classification:

Limited Access. Certain records or information in this system may be provided security safeguards equivalent to the protection of Top Secret classified information.

System location:

Office of General Counsel, Federal Emergency Management Agency, Washington, DC 20472.

Categories of individuals covered by the system:

Any individual, whether a FEMA employee or non-FEMA employee, who asserts a remedy from FEMA for some alleged injury to said individual or property.

Categories of records in the system:

Files contain claims, complaints or documents or any of these means by which an individual asserts a remedy from FEMA for some alleged injury to said individual or property; the data and documents submitted in support of the claims; the data and documents obtained in making a decision or determination on such claims, including any appeals and any other relevant materials; including litigation file if such develops.

Authority for maintenance of the system:

5 U.S.C. 301; 44 U.S.C. 3101; 31 U.S.C. 240 et seq.; E.O. 12127; E.O. 12148; Reorganization Plan No. 3 of 1978; 28 U.S.C. 2671 et seq.; and any specific authority depending on the nature of the claim.

Purpose(s):

For the purpose of processing claims and determining the validity of the claim.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To those former FEMA employees, former servicing company employees, contractors, subcontractors, or any expert whose opinion is sought in connection with the processing, investigation, approval or denial of any claim(s) or in the prosecution or defense of litigation or preparation for litigation before a Court or a proceeding before an adjudicative body before which FEMA is authorized to appear; to other investigative or similar authorities responsible for investigating or making recommendations on complaints or claims, whether or not a part of FEMA or some other agency; to decisionmaking authorities outside of FEMA when required by law, regulation or order; to the Department of Justice, private attorney(s) handling or considering handling a ratified subrogation action or one that may be ratified, and/or a Court or adjudicative body in the event a proceeding before it involves (a) The Federal Emergency Management Agency (FEMA), any component of FEMA, or any employee of FEMA in his or her official capacity; (b) any employee of FEMA in his or her individual capacity where the Department of Justice has agreed to represent such employee; (c) the United States where FEMA determines that the claim, if successful, is likely to affect it, its operations, or any of its components; or (d) an insured or former insured of FEMA or any of the programs which FEMA administers. FEMA may disclose such records as it deems relevant or necessary to the Department of Justice, private attorney(s) handling or considering handling a ratified subrogation action or one that may be ratified, and/or a Court or adjudicative body when it has determined that any of the above-referenced has an interest in the litigation or the proceeding and such records are determined by FEMA to be arguably relevant thereto and such disclosure is compatible with the purpose for which the records were collected.

Additional routine uses may include Nos. 2, 3, 5, 6 and 8 of Appendix A.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

These records are maintained in file folders.

Retrievability:

Filed alphabetically by name within general subject matter files.

Safeguards:

Paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained. To the extent that this system includes records or information which is classified under an existing Executive Order, such records or information would be provided security safeguards equivalent to the protection of Top Secret classified information and access would only be provided on a verified need-to-know basis.

Retention and disposal:

Files are retained for 6 years and 3 months after final decision and then destroyed. Disposition of records shall be in accordance with FEMA Records Maintenance and Disposition System.

System manager(s) and address:

General Counsel, Federal Emergency Management Agency, Washington, DC 20472.

Notification procedure:

When litigation occurs, information from other systems of records may be incorporated into the case file. In certain instances, the incorporated information may be material which the Privacy Act, at 5 U.S.C. 552a(k) (1), (2), and (5), permits an agency to exempt from certain provisions of the Act. To the extent that such exempt material is incorporated into the litigation file, the Director, Federal Emer-

gency Management Agency, has determined that the material as it appears in this system should be exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I) and (f), of the Privacy Act, 5 U.S.C. 552a, pursuant to 5 U.S.C. 552a(k)(2) and from subsections (c)(3) and (d) pursuant to 5 U.S.C. 552a(k)(1) and (5). To the extent that this system of records is not subject to exemption, it is subject to notification, access and contesting procedures. A determination as to the applicability of an exemption as to a specific record shall be made at the time a request for notification, access, or contesting is received. Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

Record access procedures:

Same as notification procedure above.

Contesting record procedures:

Same as notification procedure above.

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

Claim or similar documents with supporting evidence submitted by claimant; Government employees; members of the public and witnesses and informants.

Systems exempted from certain provisions of the act:

When litigation occurs, information from other systems of records may be incorporated into the case file. In certain instances, the incorporated information may be material which the Privacy Act, at 5 U.S.C. 552a(k)(1), (2), and (5), permits an agency to exempt from certain provisions of the Act. To the extent that such exempt material is incorporated into the litigation file, the Director, Federal Emergency Management Agency, has determined that the material as it appears in this system should be exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I) and (f), of the Privacy Act, 5 U.S.C. 552a, pursuant to 5 U.S.C. 552a(k)(2) and from subsections (c)(3) and (d) pursuant to 5 U.S.C. 552a(k)(1) and (5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in 44 CFR 6.87. The Office of General Counsel, pursuant to 5 U.S.C. 552a(d)(5), reserves the right to refuse access to information compiled in reasonable anticipation of a civil action proceeding.

FEMA/GC-2

System name:

FEMA Enforcement (Compliance).

Security classification:

Limited Access. Certain records or information in this system may be provided security safeguards equivalent to the protection of Top Secret classified information.

System location:

Office of General Counsel, Federal Emergency Management Agency, Washington, DC 20472.

Categories of individuals covered by the system:

Any individual, whether a FEMA employee or non-FEMA employee, alleged of violation of or noncompliance with some law or regulatory matter, including FEMA directives, instructions, or particular programs administered by FEMA.

Categories of records in the system:

Files contain all allegations, reports, documents or similar items of information which allege that an individual, either acting in his/her official capacity or as a private citizen, has violated or is noncompliance with some law or regulatory matter, including FEMA directives, instructions, and programs administered by FEMA, or misuse of Federal funds. The file may also include investigative reports or documents furnished by FEMA or any other agency charged with investigative responsibilities and any type of information submitted either by the subject individual or informants.

Authority for maintenance of the system:

5 U.S.C. 301; 44 U.S.C. 3101; E.O. 12127; E.O. 12148; Reorganization Plan No. 3 of 1978; and any specific authority depending on the nature of the claim.

Purpose(s):

For the purpose of determining whether an allegation is substantiated and what action should be taken against the individual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To other agencies charged with investigative responsibilities and enforcement actions of any nature including prosecution for violations of criminal laws; to employers, whether Federal, State or local agencies, whose employee is involved; to State and local investigative authorities; to those former FEMA employees, former servicing company employees, contractors, subcontractors, or any expert whose opinion is sought in connection with the processing, investigation, approval or denial of any claim(s) or in the prosecution or defense of litigation or preparation for litigation before a Court or a proceeding before an adjudicative body before which FEMA is authorized to appear; to other investigative or similar authorities responsible for investigating or making recommendations on complaints or claims, whether or not a part of FEMA or some other agency; to decisionmaking authorities outside of FEMA when required by law, regulation or order; to the Department of Justice, private attorney(s) handling or considering handling a ratified subrogation action or one that may be ratified, and/or a Court or adjudicative body in the event a proceeding before it involves (a) The Federal Emergency Management Agency (FEMA), any component of FEMA, or any employee of FEMA in his or her official capacity; (b) any employee of FEMA in his or her individual capacity where the Department of Justice has agreed to represent such employee; (c) the United States where FEMA determines that the claim, if successful, is likely to affect it, its operations, or any of its components; or (d) an insured or former insured of FEMA or any of the programs which FEMA administers. FEMA may disclose such records as it deems relevant or necessary to the Department of Justice, private attorney(s) handling or considering handling a ratified subrogation action or one that may be ratified, and/or a Court or adjudicative body when it has determined that any of the above-referenced has an interest in the litigation or the proceeding and such records are determined by FEMA to be arguably relevant thereto and such disclosure is compatible with the purpose for which the records were collected.

Additional routing uses may include Nos. 1, 2, 3, 4, 5, 6 and 8 of Appendix A.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are maintained in file folders.

Retrievability:

Filed alphabetically by name within general subject matter files.

Safeguards:

Paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained. To the extent that this system includes records or information which is classified under an existing Executive Order, such records or information would be provided security safeguards equivalent to the protection of Top Secret classified information and access would only be provided on a verified need-to-know basis.

Retention and disposal:

(a) For FEMA employees—files are retained until separation of employee plus one year, whichever is longer, then destroyed if no longer needed; (b) for non-FEMA employees—files are retained for 6 years and 3 months after final decision, then destroyed if no longer needed. Disposition of records shall be in accordance with FEMA Records Management and Disposition System.

System manager(s) and address:

General Counsel, Federal Emergency Management Agency, Washington, DC 20472.

Notification procedure:

When litigation occurs, information from other systems of records may be incorporated into the case file. In certain instances, the incorporated information may be material which the Privacy Act, at 5 U.S.C. 552a(k)(1), (2), and (5), permits an agency to exempt from certain provisions of the Act. To the extent that such exempt material is incorporated into the litigation file, the Director, Federal Emergency Management Agency, has determined that the material as it appears in this system should be exempted from subsections (c)(3),

(d), (e)(1), (e)(4)(G), (H), (I) and (f), of the Privacy Act, 5 U.S.C. 552a, pursuant to 5 U.S.C. 552a(k)(2) and from subsections (c)(3) and (d) pursuant to 5 U.S.C. 552a(k)(1), and (5). To the extent that this system of records is not subject to exemption, it is subject to notification, access and contesting procedures. A determination as to the applicability of an exemption as to a specific record shall be made at the time a request for notification, access, or contesting is received. Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

Record access procedures:

Same as notification procedure above.

Contesting record procedures:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

Officials or employees charged with responsibility for enforcement action. Other sources include subject individual, informants or other persons knowledgeable of the matter, and organizational or individual records.

Systems exempted from certain provisions of the act:

When litigation occurs, information from other systems of records may be incorporated into the case file. In certain instances, the incorporated information may be material which the Privacy Act, at 5 U.S.C. 552a(k)(1), (2), and (5), permits an agency to exempt from certain provisions of the Act. To the extent that such exempt material is incorporated into the litigation file, the Director, Federal Emergency Management Agency, has determined that the material as it appears in this system should be exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I) and (f), of the Privacy Act, 5 U.S.C. 552a, pursuant to 5 U.S.C. 552a(k)(2) and from subsections (c)(3) and (d) pursuant to 5 U.S.C. 552a(k)(1) and (5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in 44 CFR 6.87. The Office of General Counsel, pursuant to 5 U.S.C. 552a(d)(5), reserves the right to refuse access to information compiled in reasonable anticipation of a civil action proceeding.

FEMA/GOVT-1

System name:

National Defense Executive Reserve System.

Security classification:

Unclassified.

System location:

Records may be maintained in the personnel office, emergency preparedness unit, or other designated offices located at the local installation of the Department or Agency which currently employs the individual.

Categories of individuals covered by the system:

Applicants for and incumbents of NDER assignments.

Categories of records in the system:

The system contains FEMA Form 85-3, National Defense Executive Reserve Qualifications Statement, which includes such items as name, date of birth, social security number, and other personnel and administrative records, skills inventory, training data, and other related records necessary to coordinate and administer the NDER program.

Authority for maintenance of the system:

Defense Production Act of 1950, E.O. 11179 dated September 22, 1964, as amended by E.O. 12148 dated July 20, 1979.

Purpose(s):

For the purpose of establishing units of the NDER in Federal departments and agencies in accordance with E.O. 11179, as amended by E.O. 12148. Individuals voluntarily apply for assignments but would not be considered government employees to perform emergency duties unless the President of the United States declared a mobilization. Assignments are made in 3 year increments and may either be redesignated or terminated. Individuals may at any time request voluntary termination.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(a) Names and addresses may be made available to the Association of the National Defense Executive Reserve and the National Defense Executive Reserve Conference Association to facilitate training and relevant information dissemination efforts for reservists in the NDER program; (b) to the appropriate agency whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or issued pursuant thereto to a Federal, State, or local agency maintaining civil, criminal, regulatory, licensing or other enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (c) to the National Archives and Records Administration during records management inspections conducted under authority of 44 USC 2904 and 2906; (d) to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained; (e) to another Federal agency, to a court, or a party in litigation before a court or in administrative proceeding being conducted by a Federal agency, either when the government is a party to a judicial proceeding or in order to comply with the issuance of a subpoena; and (f) to disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records may be stored in file folders, file cards, on microfiche, and/or automated record systems.

Retrievability:

By name, personal data, skills or agency.

Safeguards:

Records are stored in locked file cabinets or locked rooms. Automated records are protected by restricted access procedures and audit trails. Access to records is strictly limited to those personnel whose official duties require access and who are properly screened, cleared, and trained.

Retention and disposal:

Pending approval of the Archivist, System manager(s) and address: Associate Director, National Preparedness Programs Directorate, Federal Emergency Management Agency, Washington, DC 20472, will maintain a computerized record of all applications and assignments of NDER reservists for the Federal government as well as the personnel files for all individuals assigned to the Federal Emergency Management Agency. The Departments or Agencies will maintain their own personnel records on those individuals assigned to their respective Department or Agency.

Notification procedure:

Individuals wishing to inquire whether this system of records contains information about themselves should submit their inquiries to: (a) NDER applicants/assignees to FEMA Headquarters—Federal Emergency Management Agency, Associate Director, National Preparedness Programs Directorate, Washington, DC 20472; (b) NDER applicants/assignees to a FEMA Regional Office—Federal Emergency Management Agency, appropriate Regional Director as identified in Appendix AA to FEMA systems of records notices; (c) NDER applicants/assignees to Federal departments and/or agencies other than FEMA—contact the agency personnel, emergency preparedness unit, or Privacy Act Officer to determine location of records within the department/agency. Individuals should include their full name, date of birth, social security number, current address, and type of assignment/agency they applied with to be an NDER reservist.

Record access procedures:

Same as Notification procedures above.

Contesting record procedures:

Same as Notification procedures above. The letter should state clearly and concisely what information is being contested the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6. Individuals applying to or assigned to Federal agencies other than FEMA should consult the appropriate department's/agency's Privacy Act Regulations which can be found in that department's/agency's Code of Federal Regulations or Federal Register notice.

Record source categories:

The individuals to whom the record pertains. Prior to being designated as an NDER reservist, the applicant must successfully complete a background investigation conducted by the Office of Personnel Management which may include reference checks of prior employers, educational institutions, police departments, neighborhoods, and present and past friends and acquaintances.

Systems exempted from certain provisions of the act:

None.

FEMA/IG-1**System name:**

General Investigative Files.

Security classification:

Limited Access. Certain records or information in this system may be provided security safeguards equivalent to the protection of Top Secret classified information.

System location:

Office of Inspector General, Federal Emergency Management Agency, Washington, DC 20472.

Categories of individuals covered by the system:

Any individual suspected of violating any criminal, civil, regulatory, licensing, or other enforcement laws, whether Federal, State, local or foreign.

Categories of records in the system:

The subject records may contain any identifying or other relevant information on subject individuals which might relate to possible violations of criminal, civil, regulatory, licensing, or other enforcement laws, whether Federal, State, local or foreign.

Authority for maintenance of the system:

E.O. 12127; E.O. 12148; Reorganization Plan No. 3 of 1978.

Purpose(s):

For the purpose of preventing and detecting fraud abuse, conducting and supervising audits and investigations relating to programs and operations, informing the Head of the establishment about problems and deficiencies relating to programs and administration and suggesting corrective action.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(a) In the event this system of records includes information which indicates a violation or potential violation of law, whether criminal, civil or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the systems of records may be referred to the appropriate agency, whether Federal, State, local or foreign, charged with responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued thereto; (b) to possible sources of information in connection with civil or criminal investigations or inquiries under circumstances where it is necessary to disclose certain information in order to pose a question to the sources; (c) a record which is contained in this system and derived from another FEMA system of records may be disclosed as a routine use as specified in the Federal Register notice of the system of records from which the record is derived; (d) to State Insurance Departments and insurance companies and/or their agents investigating fraud or potential fraud in connection with burglary, robbery of flood claims.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

These records are maintained in file folders and index cards.

Retrievability:

By name and file number.

Safeguards:

Paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained. To the extent that this system includes records or information which is classified under an existing Executive Order, such records or information would be provided security safeguards equivalent to the protection of Top Secret classified information and access would only be provided on a verified need-to-know basis.

Retention and disposal:

Records are covered by General Records Schedule 25. Investigative files containing information or allegations which are of an investigative nature but do not relate to a specific investigation are destroyed when 5 years old. All other investigative case files are placed in inactive file when case is closed. Cut off inactive file at end of fiscal year. Destroy 10 years after cutoff date. Index references to investigative files are destroyed when superseded or obsolete. Disposition of records shall be in accordance with FEMA Records Maintenance and Disposition System.

System manager(s) and address:

Inspector General, Federal Emergency Management Agency, Washington, DC 20472.

Notification procedure:

During an investigation, information from other systems of records may be incorporated into the case file. In certain instances, the incorporated information may be material which the Privacy Act, at 5 U.S.C. 552a(j)(2), (k)(1), (2), and (5), permits an agency to exempt from certain provisions of the Act. To the extent that such exempt material is incorporated into the investigative file, the Director, Federal Emergency Management Agency, has determined that the material as it appears in this system should be exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I) and (f), of the Privacy Act, 5 U.S.C. 552a, pursuant to 5 U.S.C. 552a(j)(2) and (k)(2), and from subsections (c)(3) and (d) pursuant to 5 U.S.C. 552a(k)(1) and (5). To the extent that this system of records is not subject to exemption, it is subject to notification, access and contesting procedures. A determination as to the applicability of an exemption as to a specific record shall be made at the time a request for notification, access, or contesting is received. Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

Record access procedures:

Same as notification procedure above.

Contesting record procedures:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

(1) Federal, State, local or foreign government agencies concerned with the administration of criminal justice and non-law enforcement agencies both public and private; (2) Members of the public; (3) Government employees; (4) Published material; (5) Witnesses and informants.

Systems exempted from certain provisions of the act:

During an investigation, information from other systems of records may be incorporated into the case file. In certain instances, the incorporated information may be material which the Privacy Act, at 5 U.S.C. 552a(j)(2), (k)(1), (2), and (5), permits an agency to exempt from certain provisions of the Act. To the extent that such exempt material is incorporated into the investigative file, the Director, Federal Emergency Management Agency, has determined that the material as it appears in this system should be exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I) and (f), of the Privacy Act, 5 U.S.C. 552a, pursuant to 5 U.S.C. 552a(j)(2) and (k)(2), and from subsections (c)(3) and (d) pursuant to 5 U.S.C. 552a(k)(1) and (5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in 44 CFR 6.87.

FEMA/NETC-1**System name:**

Student Application and Registration Records.

Security classification:

Unclassified.

System location:

National Emergency Management Agency, Federal Emergency Management Agency, Emmitsburg, Maryland 21727.

Categories of individuals covered by the system:

Individuals who apply for and complete resident and field emergency management training conducted under the auspices of the National Emergency Training Center. This system includes individuals who apply for and complete courses for the National Fire Academy and Emergency Management Institute.

Categories of records in the system:

Files include student application form, FEMA Form 75-5, containing name, address, educational level, social security number, ethnic/racial origin, emergency management courses taken and where, emergency management organization and program affiliation, emergency management title, emergency management telephone number and length of emergency management service, employer, business title and business telephone number, student travel authorization and voucher for partial expense and date and location of course; individual training records; individual and business file for National Emergency Training Center Catalogs, Information Bulletins, etc.; Career Development Individual files; photographs with identification; MOBDES training files; Career Development directory; Student Expense files, completed Grant-in-aid forms; State recommendations, attendance and progress reports, student locators, and related academic documents. The records for National Fire Academy may also include next of kin (in case of emergency) and medical information in case of student injury or illness.

Authority for maintenance of the system:

Pub. L. 93-498, Federal Fire Prevention and Control Act of 1974; 15 U.S.C. 2206; 44 U.S.C. 3101; 50 U.S.C. App. 2253, 2281; 5 U.S.C. 301; E.O. 12127; E.O. 12148; and Reorganization Plan No. 3 of 1978.

Purpose(s):

For these purpose of determining eligibility and effectiveness of National Emergency Training Center courses; to maintain necessary student records; to supply students with information of courses, credits and grades (if any); to supply Academy Registrar with record of student enrollment in National Emergency Training Center courses by geographical location to determine who has or has not been trained in emergency management course; to assess use of course material in the field; and to assess the impact of course material on the community.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To State and local jurisdictions to maintain up-to-date statistics of National Emergency Training Center graduates completing courses within their respective jurisdictions. Information relating to participation of courses in the National Fire Academy may be disclosed to Members of the Board of Visitors for the purpose of advisory at the State and to evaluate the participants evaluation of courses. Additional routine uses may include Nos. 2, 3, 5 and 8 of Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper files, 3 x 5 index cards, microfilm, and computerized records.

Retrievability:

3 x 5 locator cards are filed alphabetically by name of the individual and/or social number; academic records are filed chronologically by course title; and travel authorizations and vouchers are filed by fiscal year and State.

Safeguards:

Personnel screening, hardware and software computer security measures. Paper records are retained in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Training records are considered permanent. Course folders are retained in active file until course is completed, held 20 years in inactive file and subsequently transferred to Records Center, destroyed after 40 years. Paper records relating to National Fire Academy are retained for 1 year and then transferred to microfilm for permanent retention. Passenger reimbursement files are covered by General Records Schedule 9 and destroyed when 3 years old. Grant-in-aid forms are covered by General Records Schedule 3 and are destroyed when superseded or obsolete. Disposition of records not covered in this section shall be in accordance with the FEMA Records Maintenance and Disposition System.

System manager(s) and address:

Associate Director, Training and Fire Programs Directorate, Federal Emergency Management Agency, National Emergency Management Training Center, 16825 South Seton Avenue, Emmittsburg, Maryland 21727.

Notification procedure:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

Record access procedures:

Same as notification procedure above

Contesting record procedures:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

Directly from the individual's application and academic records, educational institutions, applicant's employer, and instructors.

Systems exempted from certain provisions of the act:

None.

FEMA/NETC-2

System name:

Emergency Management Training Program Home Study Courses.

Security classification:

Unclassified.

System location:

National Emergency Training Center, Federal Emergency Management Agency, Emmittsburg, Maryland 21727. Answer sheets are provided to FEMA's Computer Center to establish a printout of name, address, student number, numerical grade for each course unit, date of completion of each course unit and final grade and date of course completion. The computer printouts are maintained by each Regional office, addresses are listed in Appendix A.

Categories of individuals covered by the system:

Any citizen who desires to further his/her knowledge of emergency management in general basic concepts of radiological emergency management and/or the duties of a local emergency program manager is eligible for these home study courses.

Categories of records in the system:

Files include FEMA Form 75-5, student application form; group enrollment forms; group completion forms; key punch cards and related computer printout indicating home study entry, progress, grades and completion, correspondence and related academic records.

Authority for maintenance of the system:

5 U.S.C. 301; 44 U.S.C. 3101; 50 U.S.C. App. 2253, 2281; E.O. 12127; E.O. 12148; and Reorganization Plan No. 3 of 1978.

Purpose(s):

For the purpose of providing home study courses to citizens who cannot attend regular classroom courses and to certify applicants who successfully complete the courses.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Answer sheets and/or computer printouts are disclosed to the FEMA contractor to enter applicant into home study program, to release home study program materials to applicants, and to forward certificates to applicants who successfully complete a course. FEMA Regional offices disclose monthly printouts of home study progress and completion to State Emergency Management Offices to schedule more advanced training for students within their jurisdiction who have completed basic emergency management instruction through home study courses. Additional routine uses may include Nos. 2, 3, 5 and 8 of Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper files, key punch cards and computer magnetic tapes or disks.

Retrievability:

By name and address of Student Number.

Safeguards:

Personnel screening, hardware and software computer security measures. Paper records are retained in a locked container and/or room. All records are maintained in areas that are secured by building security personnel during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

All home study records at National Emergency Training Center are covered by General Records Schedule 1 and destroyed 5 years after completion of the courses. The computer printouts are destroyed when obsolete, superseded or no longer necessary. Disposition of records shall be in accordance with FEMA Records Maintenance and Disposition System.

System manager(s) and address:

Associate Director, Training and Fire Programs Directorate, Federal Emergency Management Agency, National Emergency Training Center, 16825 South Seton Avenue, Emmitsburg, Maryland 21727.

Notification procedure:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

Record access procedures:

Same as notification procedure above.

Contesting record procedures:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

Application forms completed and submitted by applicants for FEMA Home Studies courses.

Systems exempted from certain provisions of the act:

None.

FEMA/NETC-3**System name:**

President's and Director's Award Nominees.

Security classification:

Unclassified.

System location:

National Emergency Training Center, Federal Emergency Management Agency, Emmitsburg, Maryland 21727.

Categories of individuals covered by the system:

Individuals nominated to receive the President's Award for Outstanding Public Safety Service and individuals nominated to receive the Director's Award for Distinguished Public Safety Service.

Categories of records in the system:

Name and address of the candidate, his/her position and title, whether the nomination is for the President's or Director's Award, the public agency served, the locale where the candidate performs his/her duties, the name of the nominating official, a summary description of the outstanding contribution, distinguished service or extraordinary valor of the nominee, and the relevant duties relating thereto, and copies of any published factual accounts of the nominee's accomplishments.

Authority for maintenance of the system:

15 U.S.C. 2214; E.O. 12127; E.O. 12148; and Reorganization Plan No. 3 of 1978.

Purpose(s):

For the purpose of selecting individuals who have been nominated to receive the President's Award for Outstanding Public Safety Service and the Director's Award for Distinguished Public Safety Service.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(a) President's Award Nominees—Information about individuals nominated for the President's Award is provided to selected members of the public safety community, including but not limited to, fire safety and protection organizations, state fire marshals and firefighters, civil defense officers, and law enforcement, corrections or court officers in connection with the evaluation and selection of recipients. Information is also provided to the Department of Justice, and the Executive Office of the President; (b) Director's Award Nominees—Information is provided to selected members of the fire service and civil defense community, including but not limited to, fire safety and protection organizations, state fire marshals, firefighters and civil defense officials in connection with the evaluation and selection of recipients. When it appears that a nominee's accomplishments are in the area of law enforcement, nominations may be sent to the Department of Justice.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed by file number and cross-referenced alphabetically by nominee's name.

Safeguards:

Paper records are retained in a locked container and/or room. All records are maintained in areas that are secured by building security personnel during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Records are covered by General Records Schedule and are considered permanent.

System manager(s) and address:

Associate Director, Training and Fire Programs Directorate, Federal Emergency Management Agency, National Emergency Training Center, 16825 South Seton Avenue, Emmitsburg, Maryland 21727.

Notification procedure:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

Record access procedures:

Same as notification procedure above.

Contesting record procedures:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

Heads of Federal government departments and agencies, governors of states or territories, or chief executives of any general governmental unit within any state or territory.

Systems exempted from certain provisions of the act:

None.

FEMA/NETC-4**System name:**

Records of Alleged Misconduct of Students Attending Training Courses at the National Emergency Training Center.

Security classification:

Unclassified.

System location:

National Emergency Training Center, Federal Emergency Management Agency, Emmitsburg, Maryland 21727.

Categories of individuals covered by the system:

Students attending training courses at the National Emergency Training Center who have been charged with alleged misconduct or found guilty of misconduct.

Categories of records in the system:

File may include statements from the student charged with alleged misconduct and witnesses; Security reports from Security personnel assigned to the National Emergency Training Center; police reports describing the alleged incident; a copy of student application records, FEMA Form 75-5, which contains the name, address, educational level, social security number, pre-requisite courses taken and where, organization and program affiliation, position title and length of service, business and residence telephone numbers, date, course title and location; student stipend reimbursement files; State recommendations; and attendance and progress reports.

Authority for maintenance of the system:

5 U.S.C. 301; 44 U.S.C. 3101 50 U.S.C. App. 2253, 2281; E.O. 12127; E.O. 12148; and Reorganization Plan No. 3 of 1978.

Purpose(s):

For the purpose of evaluating the alleged misconduct to make an administrative decision as to whether the action warrants dismissal from participation in the training course at the National Emergency Training Center. Upon admission to the National Emergency Training Center, students are apprised that if they are sent home as a result of misconduct, they may not attend future sessions for one (1) fiscal year following the current fiscal year in which the incident occurred.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

A letter notifying the student's employer of the student's dismissal for reasons of misconduct is sent by the National Emergency Training Center. Upon written request by the student's employer, information from and/or copies of the statements from the student sent home as a result of misconduct and witnesses, police reports, and security reports from security personnel assigned to the National Emergency Training Center may be made available to the student's employer for the purpose of determining if disciplinary action is appropriate by the student's employing organization.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

By name or social security number.

Safeguards:

Paper records are retained in a locked container and/or room. All records are maintained in areas that are secured by building security personnel during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Records are retained for one fiscal year following the current fiscal year in which the incident occurred. Disposition of records shall be in accordance with FEMA Records Maintenance and Disposition System.

System manager(s) and address:

Associate Director, Training and Fire Programs Directorate, Federal Emergency Management Agency, National Emergency Training Center, 16825 South Seton Avenue, Emmitsburg, Maryland 21727.

Notification procedure:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

Record access procedures:

Same as notification procedure above.

Contesting record procedures:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

Directly from the students, witnesses, State and local police departments, and derived from student application and academic records.

Systems exempted from certain provisions of the act:
None.

FEMA/NPP-1

System name:

Resources Interruption Monitoring System.

Security classification:

Unclassified.

System location:

National Preparedness Programs Directorate, Federal Emergency Management Agency, Washington, DC 20472.

Categories of individuals covered by the system:

Individuals reporting or commenting on resource shortages during national emergencies-private citizens; industry experts; business, labor and government leaders.

Categories of records in the system:

Includes name, address, telephone number, statements about resource problems, and other related information necessary to monitor resource interruptions.

Authority for maintenance of the system:

E.O. 12148, July 20, 1979.

Purpose(s):

For the purpose of assessing the status of resources (supply shortage or problems of maldistribution) which poses a threat to the health and welfare of communities or to the economy or security of the Nation when normal market mechanisms appear inadequate. Agency analysts summarize reports for comparison to economic norms or for highlighting problems in an industry or in a geographic area. In-house agency use is also made of the computerized communication and conferencing components of the system for the purpose of carrying on conferences and discussions, and for transmitting other related communications among the offices of FEMA.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Individual applications for assistance may be referred for response to another agency with emergency responsibilities. Information may be provided to Federal, State and local officials with emergency responsibilities and to selected industries for purposes of coordinating actions taken to alleviate the crisis situation; to news media. Additional routine uses may include Nos. 5 and 8 of Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Mag-tape, drum, disc and paper.

Retrievability:

By name, problem resource, geographic area and phrase in text.

Safeguards:

Personnel screening hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Retention of records shall be for duration of resource problem. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

System manager(s) and address:

Associate Director, National Preparedness Programs Directorate, Federal Emergency Management Agency, Washington, DC 20472.

Notification procedure:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

Record access procedures:

Same as notification procedure above.

Contesting record procedures:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the rea-

sons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

Individual applications for assistance in locating alternate supplies; news media reports; notification by individual correspondence or phone from Congress, by original staff reports or reports from other agencies.

Systems exempted from certain provisions of the act:

None.

FEMA/NPP-2

System name:

Scientific and Technical Information System.

Security classification:

Unclassified.

System location:

The system will be developed by a contractor and maintained either at the contractor's site or by the National Preparedness Programs Directorate, Federal Emergency Management Agency, Washington, DC 20472.

Categories of individuals covered by the system:

Individuals who have agreed to contribute their expertise in emergency management areas and who have agreed to be included in the automated system and directory.

Categories of records in the system:

Includes name, organization, title and area of expertise and business telephone number and address.

Authority for maintenance of the system:

Sections 201 and 401 of the Federal Civil Defense Act of 1950, as amended; 50 U.S.C. App. 2251 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR 1978 Comp., p. 329 and E.O. 12148 of July 20, 1979, 3 CFR 1979 Comp., p. 412.

Purpose(s):

For the purpose of identifying individuals and organizations who have expertise, knowledge, and experience in emergency management to help respond to a wide range of emergencies, such as providing consultation and guidance to Federal, State and local officials in emergency situations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information from both the computerized system and the directory will be provided to anyone who has a need for identification of particular individuals or organizations which possess the emergency management expertise for responding to a given emergency situation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in a computer processible storage media and a directory.

Retrievability:

By name, subject expertise, or geographic location.

Safeguards:

Personnel screening hardware and software computer security measures; paper records in locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

The computerized system and directory will be updated periodically to keep the information current. As the information becomes obsolete or an individual desires to be dropped from the program, such information will be deleted from the computerized system and not included in the next edition of the directory.

System manager(s) and address:

Associate Director, National Preparedness Programs Directorate, Federal Emergency Management Agency, Washington, DC 20472.

Notification procedure:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

Record access procedures:

Same as notification procedure above.

Contesting record procedures:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

Directly from the individuals and organizations identified by the contractor who would be willing to contribute emergency management expertise to Federal, State, and local officials for responding to a wide range of emergency situations.

Systems exempted from certain provisions of the act:

None.

FEMA/NPP-3

System name:

Industrial Group Consultation.

Security classification:

Unclassified.

System location:

Federal Emergency Management Agency, Office of National Preparedness Programs, Washington, D.C. 20472.

Categories of individuals covered by the system:

Individuals in industrial organizations, or national organizations who participate in emergency management services.

Categories of records in the system:

Names, addresses, organization affiliation, and speech making.

Purpose(s):

For the purpose of obtaining speakers at conventions, seminars, courses, etc.

Authority for maintenance of the system:

44 U.S.C. 3101; 50 U.S.C. App. 2253, 2281; and E. O. 12148 dated July 20, 1979.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To communicate with industrial and national organizations who can perform emergency management services; to obtain speakers at conventions, seminars, courses, etc.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

3 x 5 index cards.

Retrievability:

By name, company or organizations.

Safeguards:

All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Files kept until obsolete, then destroyed.

System manager(s) and address:

Associate Director, National Preparedness Programs, Federal Emergency Management Agency, Washington, D.C. 20472.

Notification procedure:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

Record access procedures:

Same as Notification procedure above.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the Federal Register.

Record source categories:

Directly from the individuals in the system.

Systems exempted from certain provisions of the act:

None.

FEMA/OC-1

System name:

Payroll and leave accounting.

Security classification:

Unclassified.

System location:

Office of the Comptroller, Federal Emergency Management Agency, Washington, DC 20472 and all FEMA Regional offices, addresses are listed in Appendix AA. Biweekly payroll records are also maintained at classified location and relocation facilities under the FEMA Vital Operating Records Program.

Categories of individuals covered by the system:

All FEMA employees, headquarters and field, including full-time permanent, part-time, temporary, consultants, and former employees.

Categories of records in the system:

Files contain Treasury Form TDF 10-11, G-6, earnings and leave statements provided directly to employees; net check listing; Form W-4, Federal and State withholding statement; SF-1192, bond applications; bond listing; SR-1199, requests by employees for allotments of pay for credit to savings account with financial institutions; and SF-50, notification of personnel actions. This system includes the taxpayer identification number (social security number).

Authority for maintenance of the system:

Section 112(a) of the Budget and Accounting Procedures Act of 1950; 31 U.S.C. 66(a); 5 U.S.C. 5501, et seq., 5525 et seq., and 6301 et seq.

Purpose(s):

For the purpose of administering the pay and leave requirements.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records and information in these records may be used: (a) By the Department of Treasury to issue checks and U.S. Savings bonds; (b) by the Department of Labor in connection with a claim filed by an employee for compensation due to a job-connected injury or illness; (c) by state office of unemployment compensation in connection with claims by former Agency employees for unemployment compensation; (d) by Federal Employees' Group Life Insurance or Health Benefits carriers in connection with survivor annuity or health benefits claims or records reconciliations; (e) to provide officials of labor organizations recognized under the Civil Service Reform Act with information as to the identity of Agency employees contributing union dues each pay period and the amount of dues withheld from each contributor; (f) to disclose information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions; (g) to disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court; (h) to disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding; (i) to disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, Social Security Administration, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties. Additional routine uses may include any of the uses listed in Appendix A.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The net check listing, bond lists, and notification of personnel actions consist of paper records in file folders; information from these forms are keyed into a computer system and transmitted to the Department of Treasury in Washington, DC, for preparing checks and bonds.

Retrievability:

Net check listing and bond lists are filed by payroll date; Federal and state withholding statements, bond applications, requests by employees for allotments of pay for credit to savings accounts with financial institutions, and notifications of personnel actions are filed alphabetically by name of individual.

Safeguards:

Personnel screening, hardware and software computer security measures; paper records are maintained in locked containers and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Individual authorized allotment records are covered by General Records Schedule 2 and are destroyed 3 years after superseded or after transfer or separation of the employee.

Bond registration records are covered by General Records Schedule 2 and are destroyed when 2 years old. Notification of personnel actions are covered by General Records Schedule 1 and are destroyed when 2 years old. Disposition of records not covered in this section shall be in accordance with National Archives General Records Schedules or FEMA Records Maintenance and Disposition System.

System manager(s) and address:

Comptroller, Federal Emergency Management Agency, Washington, DC 20472; all Regional Directors of FEMA, addresses as listed in Appendix AA.

Notification procedure:

Individuals wishing to inquire whether this system of records contains information about themselves should contact the system manager identified above. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Requests should include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individuals should be able to provide some acceptable identification, that is, driver's license, employing organization's identification card, or other identification card.

Record access procedures:

Same as Notification procedures above.

Contesting record procedures:

Same as Notification procedures above. The letter should state clearly and concisely what information is being contested the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

Treasury Form TDF 10-11, G-6, Earnings and Leave Statements; Net Check listings; Form W-4, Federal and State Withholding Statements; SF-1192, Bond Application; SF-1199, Direct Deposit Sign-up form is submitted by the individual to the Department of the Treasury in Washington, DC through FEMA payroll offices; and SF-50, Notification of Personnel Action.

Systems exempted from certain provisions of the act:

None.

FEMA/OC-2

System name:

Travel and Transportation Accounting.

Security classification:

Unclassified.

System location:

Office of the Comptroller, Federal Emergency Management Agency, Washington, DC 20472, and all FEMA Regional Offices, addresses as listed in Appendix AA. Bi-weekly payroll records are also maintained at classified location and relocation facilities under FEMA Vital Operating Records Program.

Categories of individuals covered by the system:

All FEMA employees, headquarters and field, including full-time permanent, part-time, temporary, consultants, and former employees who perform (temporary duty or permanent change of duty station) travel.

Categories of records in the system:

File contains FEMA Form 60-2, requests and authorizations for travel; SF-1169, U.S. Government transportation requests; SF-1038, requests for advances of funds; payment records of outstanding travel advances; SF-1012F (PAID) Travel vouchers; SF-1170, Redemption of Unused tickets and related records of unused tickets; travel history records; collection vouchers for refunds of advances; and correspondence relating to travel claims. This system includes the taxpayer identification number (social security number).

Authority for maintenance of the system:

5 U.S.C. 5701; 30 U.S.C. 52; 31 U.S.C. 65; 31 U.S.C. 71; 41 U.S.C. 3101; 50 U.S.C. App. 2253.

Purpose(s):

For the purpose of administering travel requirements.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To finance and administration personnel for the purpose of recording and controlling obligations involving travel, and the storage and shipment of household goods, advances, refunds and expenditures of travel funds; to prevent errors leading to improper payments; to detect and recover overpayments; and to support billings to carriers for travel and transportation furnished.

Additional routine uses may include any of the uses listed in Appendix A.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Paper records and computerized records.

Retrievability:

Travel authorizations are filed alphabetically by transportation requests; records of unused tickets are filed by TR number; records of outstanding advances and travel history records are filed alphabetically by individual; and all advance, refund and payment records are filed by payment date in schedule number sequence.

Safeguards:

Personnel screening, hardware and software computer security measures; paper records are maintained in locked containers and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Records in this system are covered by General Records Schedule 9. Passenger transportation records are destroyed when 3 years old. Passenger reimbursement records are destroyed when 3 years old. Unused ticket forms are destroyed when no longer needed. General travel and transportation records, as well as accountability records, are destroyed 1 year after all entries are cleared. Disposition of records not covered in this section shall be in accordance with FEMA Records Maintenance and Disposition System.

System manager(s) and address:

Comptroller, Federal Emergency Management Agency, Washington, DC 20472; all Regional Directors of FEMA, addresses as listed in Appendix AA.

Notification procedure:

Individuals wishing to inquire whether this system of records contains information about themselves should contact the system manager identified above. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Requests should include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individuals should be able to provide some acceptable identification, that is, driver's license, employing organization's identification card, or other identification card.

Record access procedures:

Same as Notification procedures above.

Contesting record procedures:

Same as Notification procedures above. The letter should state clearly and concisely what information is being contested the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

FEMA Form 60-2, Official Travel Authorization; SF-1169, U.S. Government Transportation Request are submitted by authorized officials; SF-1038, Application and Account for Advances of Funds are submitted by employee requiring advances; SF-1012F, (PAID) Travel Vouchers are received from the finance and administration office; SF-1170, Redemption of Unused Tickets are prepared from unused tickets turned in by travelers and the file copy of the related Transportation Request and Travel History Record by individual are prepared from paid vouchers.

Systems exempted from certain provisions of the act:

None.

FEMA/OC-3

System name:

Debt Collection Files.

Security classification:

Unclassified.

System location:

Primary system is located in the Office of the Comptroller, Federal Emergency Management Agency, Washington, DC 20472. Secondary systems will be maintained by the Debt Collection Officers designated for the following offices: Federal Insurance Administration, National Preparedness Programs, State and Local Programs and Support, Training and Fire Programs, and each FEMA Regional office.

Categories of individuals covered by the system:

Individuals who are indebted to FEMA.

Categories of records in the system:

The Debt Collection Officers' file will contain copies of debt collection letters and Optional Form 1114, bill for collection, and correspondence to and from the debtor relating to the debt. The file will include such information as the name and address of the debtors; taxpayer's identification number (which may be the social security number); amount of debt or delinquent amount; basis of debt; date debt arose; office referring debt to the Debt Collection Officer; record of each collection made; credit report or FEMA Form 22-13, financial statement reflecting the net worth of the debtor; date by which debt must be referred to the Agency Collections Officer for further collection action; citation or basis on which debt was terminated or compromised; and the appropriation number under which the Accounts/Notes Receivable was established.

Authority for maintenance of the system:

31 U.S.C. 3701 et seq., Debt Collection Act of 1982 (Pub. L. 97-365, 96 Stat. 1749).

Purpose(s):

Information is used for the purpose of collecting monies owed FEMA arising out of any administrative or program activities or services administered by FEMA. The Debt Collection Officer's file represents the basis for the debt and amount of debt and actions taken by FEMA to collect the monies owed under the debt. The credit report or financial statement provides an understanding of the individual's financial condition with respect to requests for deferment of payment.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

When debts are uncollectible, copies of the FEMA Debt Collection Officer's file regarding the debt and actions taken to attempt to collect the monies is forwarded to the U.S. General Accounting Office, Department of Justice, or a United States Attorney for further collection action. FEMA may also provide copies of the debt collection letters, Optional Form 1114, bill for collection, and FEMA correspondence to the debtor to a debt collection agency under contract with FEMA for further collection action.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined

in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in file folders, on lists and forms, and in computer processible storage media.

Retrievability:

The primary system files are filed by bill for collection number; the secondary systems may be filed by bill for collection number, name, or taxpayer's identification number (which may be the social security number).

Safeguards:

Personnel screening, hardware and software computer security measures; paper records are maintained in locked containers and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Records are covered by General Records Schedule 6. The file on each debt on which administrative collection action has been completed shall be retained by Debt Collection Officers' respective program office not less than one year after the applicable statute of limitations has run out. The file is then transferred to the National Archives and Records Administration for a period of six years and three months after the end of the fiscal year in which the debt was closed out by means of the debt being paid, terminated, compromised, or the statute of limitations had run out.

System manager(s) and address:

Comptroller, Federal Emergency Management Agency, Washington, DC 20472.

Notification procedure:

Individuals wishing to inquire whether this system of records contains information about themselves should contact the system manager identified above. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Requests should include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individuals should be able to provide some acceptable identification, that is, driver's license, employing organization's identification card, or other identification card.

Record access procedures:

Same as Notification procedures above.

Contesting record procedures:

Same as Notification procedures above. The letter should state clearly and concisely what information is being contested the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

Directly from the debtor, the initial loan application, credit report from the commercial credit bureau, administrative or program offices within FEMA, or other Federal, State, or local agencies which are involved in programs or services administered by FEMA.

Systems exempted from certain provisions of the act:

None.

FEMA/OP-1

System name:

Emergency Assignment System.

Security classification:

Unclassified.

System location:

Emergency Operations Directorate, Federal Emergency Management Agency, Washington, DC 20472.

Categories of individuals covered by the system:

Emergency assignees to the FEMA Special Facility.

Categories of records in the system:

Personnel data, social security number, personal data, skills inventory, and other related information for the purpose of in-house official use, based upon a need-to-know requirement, to assist officials charged with emergency responsibilities in the assignment and coordination of activities in the Facilities Management Office.

Authority for maintenance of the system:

E.O. 12148, July 20, 1979.

Purpose(s):

To assist officials charged with emergency responsibilities in the assignment and coordination of activities in the Facilities Management Office.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To provide the names, addresses and telephone numbers of FEMA subscribers having essential emergency functions to the General Services Administration for forwarding to the public telephone companies to designate those subscriber's home numbers as "essential" for the purpose of providing a minimum of delay in placing calls from their residences during a national disaster or civil emergency.

Additional routine uses may include Nos. 1, 2, 3, 5 and 8 of Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Mag-tape, drum, disc and paper.

Retrievability:

By name, personal characteristics or skills, badge number, and agency.

Safeguards:

Personnel screening hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Retention of records shall be for duration of assignment. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

System manager(s) and address:

Associate Director, Emergency Operations Directorate, Federal Emergency Management Agency, Washington, DC 20472.

Notification procedure:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

Record access procedures:

Same as notification procedures above.

Contesting record procedures:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

The individuals to whom the record pertains.

Systems exempted from certain provisions of the act:

None.

FEMA/OP-2

System name:

Key Personnel Central Locator List.

Security classification:

Unclassified.

System location:

Emergency Operations Directorate, Federal Emergency Management Agency, Washington, DC 20472.

Categories of individuals covered by the system:

FEMA key Personnel, Associate Directorate staffs, Emergency Team members and individual who may be required to respond to natural or man-made incidents.

Categories of records in the system:

System consists of "Cardex" software and contains office and home telephone numbers, pager numbers and secure phone numbers as applicable. Access to the file is limited to protect the home telephone numbers of personnel in the files.

Authority for maintenance of the system:

E.O. 12148, July 20, 1979.

Purpose(s):

For the purpose of locating selected key FEMA personnel in the event of a natural disaster of civil emergency. In the event of a national disaster or civil emergency which requires action by FEMA, the list will be referred to in order to locate selected key officials.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To enable the Emergency Action Staff to forward calls from key staff to members of their staffs, other key staff members or the Director's staff. To provide telephone alerting during notification stages in response to incidents or exercises. To make notification to program officials in response to Presidential declarations as required. Additional routine uses may include Nos. 5 and 8 of Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records.

Retrievability:

By name.

Safeguards:

Paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Records are destroyed on a monthly basis, as updated.

System manager(s) and address:

Associate Director, Emergency Operations Directorate, Federal Emergency Management Agency, Washington, DC 20472.

Notification procedure:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personnel identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

Record access procedures:

Same as notification procedure above.

Contesting record procedures:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

The individuals to whom the record pertains.

Systems exempted from certain provisions of the act:

None.

FEMA/PER-1

System name:

Grievance Records.

Security classification:

Unclassified.

System location:

Office of Personnel and Equal Opportunity, Federal Emergency Management Agency, Washington, DC 20472.

Categories of individuals covered by the system:

Current or former employees who have submitted grievances with FEMA in accordance with Part 771 of the Office of Personnel Management regulations (5 CFR Part 771), or a negotiated procedure.

Categories of records in the system:

The system contains records relating to grievances filed by agency employees under Part 771 of the Office of Personnel Management

regulations. These case file contain all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievances and arbitration systems that FEMA may establish through negotiations with recognized labor organizations.

Authority for maintenance of the system:

5 U.S.C. 1302, 3301, 3302, E.O. 10577, 3 CFR 1954-58 Comp., p.218, E.O. 10967, 3 CFR 1959-1963 Comp., p. 519.

Purpose(s):

For the purpose of processing grievance complaints from agency employees for personnel relief in a matter of concern or dissatisfaction which is subject to the control of FEMA management.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested; to disclose information to another Federal agency or to a court when the Government is a party to a judicial proceeding before the court, in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and analytical studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data included individually identifiable by inference; to disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties; to disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding; and to provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representative concerning personnel policies, practices, and matters affecting work conditions.

Additional routine uses may include Nos. 1, 2, 5 and 8 of Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are maintained in file folders.

Retrievability:

By name of the individual.

Safeguards:

Paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

These records are covered by General Records Schedule 1 and are destroyed 3 years after closing of the case.

System manager(s) and address:

Director of Personnel and Equal Opportunity, Federal Emergency Management Agency, Washington, DC 20472.

Notification procedure:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

Record access procedures:

Same as notification procedure above.

Contesting record procedures:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

Information in this system of records is provided by (1) the individual on whom the record is maintained; (2) testimony of witnesses; and (3) from related correspondence from organizations or persons.

Systems exempted from certain provisions of the act:

None.

FEMA/PER-2

System name:

Equal Employment Opportunity Complaints of Discrimination Files.

Security classification:

Limited Access.

System location:

Office of Personnel and Equal Opportunity, Federal Emergency Management Agency, Washington, DC 20472.

Categories of individuals covered by the system:

Any FEMA employee or applicant for employment, headquarters, regional and field offices, including full-time, permanent, part-time and temporary employees, who file a complaint of discrimination against FEMA. Also, any persons who file or could file a complaint with FEMA alleging discrimination by a state or local government in violation of Title VI of the Civil Rights Act of 1964 and any other similar legislation involving discrimination by a state or local government.

Categories of records in the system:

Files include complaints of discrimination brought against FEMA by employees or applicants because of race, color, religion, sex, age, handicapped, or national origin; records of counselor's reports, records of investigation, records of hearings and disposition of cases involving Equal Employment Opportunity. Files also include reports, documents, and information in support of or contrary to the complaint or potential complaint, records of hearings and disposition of the cases by the states or the Director, Federal Emergency Management Agency or higher authority.

Authority for maintenance of the system:

Pub. L. 92-261 and 93-211 as amended by Pub. L. 93-516, Equal Employment Opportunity Act of 1972, Executive Orders 11478 and 12067, Title VI, Civil Rights Act of 1964 (78 Stat.) (42 U.S.C. 2000d et seq.).

Purpose(s):

For the purpose of ascertaining whether discrimination has taken place.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(a) To Title VI Officers and other investigators and reporting officers to ascertain whether discrimination under the Title VI rules and regulations have taken place; (b) to investigators (EEOC, U.S. Army Civilian Appeal Review Office, General Services Administration, and private contractors) to secure testimony and affidavits of witnesses and other pertinent data involving Equal Employment Opportunity cases; (c) to State officials and investigators to secure testimony of witnesses and other pertinent data involving Title VI, Civil Rights Act cases; (d) to EEOC and other Federal agencies with jurisdiction for hearings and appeals; (e) to higher authorities outside of FEMA for making a decision; and (f) to the U.S. Justice Department or other agencies as appropriate for enforcement action and where necessary in reporting.

Additional routine uses may include Nos. 4, 5, 7 and 8 of Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are maintained in file folders and some information may be automated.

Retrievability:

By name of the individual.

Safeguards:

Personnel screening hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Official discrimination complaint case files are covered by General Record Schedule 1 and are destroyed 4 years after resolution of case. EEO General Files which records pertaining to the Civil Rights Act of 1964 are covered by General Records Schedule 1 and are destroyed when 3 years old, or when superseded or obsolete, whichever is applicable.

System manager(s) and address:

Director of Personnel and Equal Opportunity, Federal Emergency Management Agency, Washington, DC 20472.

Notification procedure:

The major part of this system is exempted from this requirement and the access and contesting requirement under 5 U.S.C. 552a(k)(2). To the extent that this system of records is not subject to exemption, it is subject to notification, access and contesting procedures. A determination as to the applicability of an exemption as to a specific record shall be made at the time a request for notification, access, or contesting is received. Inquiries should be addressed to the system manager. Written request should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

Record access procedures:

Same as notification procedure above.

Contesting record procedures:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

(a) For the Equal Employment Opportunity files—Information is secured from previous employers, friends and acquaintances of the complainant and the alleged discriminating official, official personnel records, educational institutions, etc; (b) For Civil Rights Act (Title VI) files—Information is secured from complainants and from FEMA officials who conduct Title VI compliance reviews at the State and local level, from citizens who have been denied services or use of facilities, from State and local government records and institutional and organizational records; from State officials who have observed violations or local officials who have reported violations to the State.

Systems exempted from certain provisions of the act:

The Director, Federal Emergency Management Agency, has determined that this system should be exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I) and (f), of the Privacy Act, 5 U.S.C. 552a, pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in 44 CFR 6.87.

FEMA/PER-3

System name:

Disaster Assistance Personnel Reservists Files.

Security classification:

Unclassified.

System location:

Official Personnel Records are maintained by the Office of Personnel and Equal Opportunity, Federal Emergency Management Agency, Washington, DC 20472. Working files are maintained by the State and Local Programs and Support Directorate, Washington, DC 20472 and all FEMA Regional offices, addresses listed in Appendix A.

Categories of individuals covered by the system:

Individuals designated as active disaster assistance reservists.

Categories of records in the system:

The official personnel files contain notices of all personnel actions such as appointments, reappointments, and terminations which reflect all categories of information, such as name(s), date of birth, home residence, mailing address, social security number, home telephone number, work experience, educational level achieved, and specialized education or training outside of the Federal service. The State and local Programs and Support Directorate and all Regional offices may include any or all of the following information at a site closer to where the employees works (e.g., in an administrative office or supervisory work folders) and still be covered by this system: Name,

address, telephone number, social security number, grade and salary, professional specialties and experience in disaster relief and recovery activities, type and date of appointment, expiration data, availability, and duty station for the purpose of preparing requests for personnel actions and assigning individuals to particular disaster locations.

Authority for maintenance of the system:

Pub. L. 93-288, Disaster Relief Act of 1974, Reorganization Plan No. 3 of 1978; and E.O. 12148.

Purpose(s):

This information is used by FEMA in filling personnel requirements in preparation for as well as in actual disaster response and recovery periods following presidentially declared disasters and emergencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

This information may not be disclosed outside the Federal Emergency Management Agency except as listed in paragraphs 1, 2, 3, 4, 5, 6, 7 and 8 of Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape/disc/drum and file folders.

Retrievability:

By name of the individual, functional title.

Safeguards:

Personnel screening, hardware and software computer security measures; paper records are in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Records are maintained until employee termination date. Disposition of records shall be in accordance with FEMA Records Maintenance and disposition system.

System manager(s) and address:

Director of Personnel, Federal Emergency Management Agency, Washington, DC 20472.

Notification procedure:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

Record access procedures:

Same as notification procedure above.

Contesting record procedures:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

Applicants for and current employees of FEMA's disaster response and recovery personnel reserve.

Systems exempted from certain provisions of the act:

None.

FEMA/REG-1

System name:

State and Local Civil Preparedness Instructional Program (SLCPIP).

Security classification:

Unclassified.

System location:

Primary system located at FEMA Regional offices, addresses are listed in Appendix AA. Decentralized system located with State and local agencies contractors in various States who provide input to Regional offices. Duplicate data is forwarded to State Emergency Management offices by contractor in the States for information purposes only.

Addresses of contractors and State Emergency Management offices are available at FEMA Regions.

Categories of individuals covered by the system:

Individuals include local Emergency Management coordinators, teachers, school administrators and local officials who are in need of emergency management training.

Categories of records in the system:

This system is comprised of 4 reporting forms only one of which has names. These are forwarded from the contractors at the State level to the Regional offices. The form with names is the SLCPIP Contractor's Roster. This form is used to give name, address, and title of participants for each course or workshop conducted. This is a monthly report to the Regions. The Contracting Officer (Region) forwards to FEMA Associate Director, Training and Fire Programs Directorate, National Emergency Training Center, gross number of activities and participants. The Regions maintain the roster. The Associate Director, Training and Fire Programs Directorate, National Emergency Training Center consolidates all ten Regions reports and prepares a consolidated report to the FEMA Director, when required.

Authority for maintenance of the system:

44 U.S.C. 3101; 50 U.S.C. App. 2253, 2281; E.O. 12148; and Reorganization Plan No. 3 of 1978.

Purpose(s):

For the purpose of determining which officials are in need or have taken emergency management training.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Routine uses may include Nos. 2, 3, 5 and 8 of Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records.

Retrievability:

By name, address, name of course, date and location.

Safeguards:

Paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Records are retained in active file for one calendar year or fiscal year or until contract is completed. Records are then in inactive file for 3-6 years depending on program. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

System manager(s) and address:

Regional Directors of FEMA, addresses are listed in Appendix AA.

Notification procedure:

Inquiries should be addressed to the appropriate system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

Record access procedures:

Same as notification procedure above.

Contesting record procedures:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

The source for information on participants in a course is forwarded by the contractors in the various States as he/she conducts training activities in his/her State.

Systems exempted from certain provisions of the act:

None.

FEMA/REG-2

System name:

Temporary Housing Files.

Security classification:

Unclassified.

System location:

FEMA Regional Offices, addresses are listed in Appendix AA.

Categories of individuals covered by the system:

Individuals who apply for temporary housing assistance in Presidentially declared major disaster or emergency areas, and candidates for staff positions at Federal Disaster Assistance Centers.

Categories of records in the system:

Depending on the type of temporary housing that an individual applies for, the following FEMA Forms may be included in the files: 90-11 through 90-13; 90-16; 90-22; 90-24 through 90-29; 90-31; 90-33; 90-41; 90-47; 90-48; 90-56; 90-57; 90-68 through 90-70; 90-71; 90-75 through 90-78; 90-86; 90-87; 90-94 through 90-97; 90-99. Personal information is contained, such name, address, social security number, telephone number, wages, job location, family income, insurance data (relating to home) as pertaining to some applicants, and disapproval or approval of applicants for aid or employment. There is general correspondence concerning complaints, plaudits, reinstatement on jobs or housing requests for disbursement of payments and inquiries from tenants and landlords in regard to aid. Files also include a general administrative and fiscal information, payment schedules and forms, termination notices, individual and family grant programs, damage and family grant programs, damage and relocation information, leases, contracts, listing of emergency repairs given as a result of specific natural disasters, reasons for tenant eviction or denial of aid; sales information on homes after tenant purchase, and status of disposition of applicants for housing.

Authority for maintenance of the system:

Pub. L. 93-288, Disaster Relief Act of 1978; E.O. 12148; and Reorganization Plan No. 3 of 1978.

Purpose(s):

The information is used by FEMA and its agents in administering the Federal disaster relief and recovery assistance programs in Presidentially declared disasters and emergencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

This information may be disclosed to local public assistance departments for relocation information; to the Post Office for relocation of individuals; to Department of Motor Vehicles and State Tax Departments for serial numbers and costs of mobile homes and vehicles; to local housing authorities and departments of community affairs to determine family status relating to relocation into other-than-temporary housing; and to utility companies regarding lease dates and forwarding information.

Additional routine uses may include Nos. 1, 2, 3, 5, 6 and 8 of Appendix A.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12):

Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Magnetic tape/discs/drum and paper records in file folders.

Retrievability:

By name, address or case file number.

Safeguards:

Personnel screening, hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Applications and supporting documents are retained until the disaster field office closes. When a Disaster Field Office has been audited and closed out, any pertinent records are shipped to the Regional Office and kept for a period of 6 years and 3 months after the date of

final action. Disposition of records shall be in accordance with FEMA Records Management and Disposition System.

System manager(s) and address:

Regional Directors of FEMA, addresses as listed in Appendix AA.

Notification procedure:

Inquiries should be addressed to the appropriate system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

Record access procedures:

Same as notification procedure above.

Contesting record procedures:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

Subject individuals; social security and other State and city agencies; current or previous employers; credit rating bureaus; financial institutions; insurance companies and agencies providing disaster relief.

Systems exempted from certain provisions of the act:

None.

FEMA/REG-3

System name:

Disaster Recovery Assistance Files.

Security classification:

Unclassified.

System location:

FEMA Regional Offices, addresses are listed in Appendix AA.

Categories of individuals covered by the system:

Individuals who apply for disaster recovery assistance following Presidentially declared major disasters or emergencies.

Categories of records in the system:

Socio-economic, demographic and financial information: disaster impact (including verification and cost estimate); disaster recovery plans and needs; and assistance requested by applicant. Files include FEMA Registration Form 90-69 which covers application for individual and family grant programs and temporary housing assistance, and legal services.

Authority for maintenance of the system:

Pub. L. 93-288, Disaster Relief Act of 1978; E.O. 12148; and Reorganization Plan No. 3 of 1978.

Purpose(s):

The information is used by FEMA and its agents in administering the Federal disaster relief and recovery assistance programs in Presidentially declared disasters and emergencies; to coordinate recovery assistance; for making eligibility determinations; and verifying nonduplication of benefits.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To other Federal, state and local agencies for the purpose of providing relief and recovery assistance.

Additional routine uses may include Nos. 1, 2, 3, 5, 6, and 8 of Appendix A.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act, (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Magnetic tape/discs/drum and paper records in file folders.

Retrievability:

By name, address or case file number.

Safeguards:

Personnel screening, hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Applications and supporting documents are retained until the disaster field office closes. When a Disaster Field Office has been audited and closed out, any pertinent records are shipped to the Regional Office and kept for a period of 6 years and 3 months after the final action. Disposition of records shall be in accordance with FEMA Records Management and Disposition System.

System manager(s) and address:

Regional Directors of FEMA, addresses as listed in Appendix AA.

Notification procedure:

Inquiries should be addressed to the appropriate system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

Record access procedures:

Same as notification procedure above.

Contesting record procedures:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

Applicants for disaster recovery assistance; credit rating bureaus; financial institutions; insurance companies and agencies providing disaster relief.

Systems exempted from certain provisions of the act:

None.

FEMA/SEC-1**System name:**

Security Management Information System.

Security classification:

Limited Access. Certain records in this system are provided security safeguards equivalent to the protection of Top Secret classified information.

System location:

Primary System:

Office of Security, Federal Emergency Management Agency, Washington, DC 20472; all Regional offices, addresses listed in Appendix AA. Secondary system: Emergency Operations Directorate, Federal Emergency Management Agency, Washington, DC 20472.

Categories of individuals covered by the system:

FEMA employees, other Federal agency employees, State employees, and consultant/contract employees.

Categories of records in the system:

Primary System: Security records include: Statement of personal history, personal data (e.g., name, address, telephone number and social security number) contained on Standard Forms 85, 85A, 86, and 87, security clearance forms; rosters; lists; Standard Form 189, non-disclosure statements; FEMA Form 12-7, security termination statement, and Optional Forms 62 and 63, forms for record container combinations and other related records. This system also includes copies of background investigations conducted by the Office of Personnel Management (OPM), a FEMA contractor, or other government investigative agencies. (The OPM background investigations are not FEMA records but rather are OPM records covered by OPM's system of records entitled, OPM/Central-9, Personnel Investigations Records, and requests for these records must be submitted directly to the Assistant Director for Personnel Investigations, Compliance and Investigations Division, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415). Requests for investigations conducted by other government investigative agencies must be submitted directly to the agency which conducted the investigation. The background investigations conducted by a FEMA contractor are FEMA records and are covered by this system notice. This system

also contains records concerning Personnel Security Program for positions associated with computer systems (Chapter 732 of the Federal Personnel Manual). Secondary System may also include Form 12-36, for requests for access to FEMA Special Access Program; FEMA Form 12-35, notification of disapproval for access to FEMA Special Access Program; FEMA Form 12-37, inadvertent disclosure statements; FEMA Form 12-38, non-disclosure agreements; FEMA Form 12-30, termination of access to certain classified information; rosters of members of emergency teams which includes assignment information, personnel data, social security number, personal data, and other related information to assist in the assignment and coordination of federal emergency response teams, and information regarding certain facilities involved in Emergency Operations activities. The Secondary system also includes a numbering system assigned to a particular position which is used for identification of the particular accesses granted to a particular position.

Authority for maintenance of the system:

E.O. 12127; E.O. 12148; Reorganization Plan No. 3 of 1978; Section 4-2a, Executive Order 10450; Executive Order 12356; and Paragraph 1a, National Security Decision Directive 84, Safeguarding National Security Information.

Purpose(s):

For the purpose of agency official use, based upon a need-to-know requirement in maintaining the security of sensitive data and facilities.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

An employee's level of security clearance and type of Special Access Program may be reported to another agency for the purpose of interagency security administration; information may be provided to other federal departments and agencies charged with responsibility in the assignment and coordination of federal emergency response teams. Additional routine uses may include Nos. 5 and 8 of Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Mag-tape, drum, disc, paper and index cards.

Retrievability:

By name, social security number, organization, security clearance level and type of Special Access Program.

Safeguards:

Certain records in this system are provided security safeguards equivalent to the protection of Top Secret classified information. Personnel screening; hardware and software computer security measures. Paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared, trained and have a verified need-to-know.

Retention and disposal:

Records are covered by General Records Schedule 18. Requests and authorizations for individuals to have access to classified files are destroyed 2 years after authorization expires. Forms or lists used to record safe combinations, names of individuals knowing combinations, and comparable data used to control access into classified containers are destroyed when superseded by a new form or list, or upon turning in of containers. Lists or rosters showing the current security clearance status of individuals are destroyed when superseded or obsolete. Personnel security case files are destroyed upon notification of death or not later than 5 years after separation or transfer of employee or no later than 5 years after contract relation expires, whichever is applicable. Records relating to alleged security violations are destroyed 2 years after completion of final action or when no longer needed, whichever is sooner; records relating to alleged violations of a sufficient serious nature that are referred for prosecutive determinations are destroyed 5 years after the close of the case. Copies of non-disclosure agreements are destroyed when 50 years old. Disposition of records not covered in this section shall be in accordance with FEMA Records Maintenance and Disposition System.

System manager(s) and address:

Primary System: Director, Office of Security, Federal Emergency Management Agency, Washington, DC 20472; Secondary System: Associate Director, Emergency Operations Directorate, Federal Emergency Management Agency, Washington, DC 20472.

Notification procedure:

Individuals wishing to inquire whether this system contains information about them should contact the appropriate system manager in writing. Individuals must furnish their full name, social security number, some type of appropriate personal identification, current address, and any other available information regarding the type of record involved.

Record access procedures:

Specific materials in this system have been exempted from the access and contesting requirements under 5 U.S.C. 552a(k)(1) and 5 U.S.C. 552a(k)(5). To the extent that this system of records is not subject to exemption, it is subject to the access and contesting procedures. A determination as to the applicability of an exemption as to a specific record shall be made at the time a request for access or contest is received. Inquiries should be addressed to the appropriate system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Individuals must furnish their full name, social security number, some type of appropriate personal identification, and current address, any other available information regarding the type of record for which access or amendment is being requested.

Contesting record procedures:

Same as access procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

Directly from the individual to whom the record pertains. The FEMA background investigation for access to classified information includes information from the individual to whom the record pertains, employers, coworkers, neighbors, friends, acquaintances, physicians, other government agencies, educational institutions, credit references, and police departments.

Systems exempted from certain provisions of the act:

The Director Federal Emergency Management Agency, has determined the specific materials in this system should be exempted from subsection (c)(3), and (d) of the Privacy Act, 5 U.S.C. 552a, pursuant to 5 U.S.C. 552a(k)(1) and 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in 44 CFR 6.87.

FEMA/SLPS-1

System name:

Application for Enrollment in Architectural Engineering Professional Development Program.

Security classification:

Unclassified.

System location:

State and Local Programs and Support Directorate, Federal Emergency Management Agency, Washington, DC 20472.

Categories of individuals covered by the system:

Individuals who apply for FEMA professional development courses: Fallout Shelter Analysis (FSA), Protective Construction (PC), Multiprotection Design (MPD).

Categories of records in the system:

FEMA Form 95-3, Application for Enrollment of Architects and Engineers Professional Development Program. Includes applicant's name, address, date of birth, education and status of completion in the course.

Authority for maintenance of the system:

5 U.S.C. 301, 44 U.S.C. 3104, 50 U.S.C. App. 2253.

Purpose(s):

For the purpose of ascertaining qualifications for certification as FSA for issuance of appropriate certificates and development of mailing lists for disseminating new information to them as appropriate.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Routine uses may include Nos. 5 and 8 of Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Application forms are kept on microfiche. Some of the data is kept on computer magnetic tape for processing in conjunction with dissemination of new information.

Retrievability:

By name of the individual and FSA number.

Safeguards:

Personnel screening hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Permanent files.

System manager(s) and address:

Associate Director, State and Local Programs and Support Directorate, Federal Emergency Management Agency, Washington, DC 20472.

Notification procedure:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

Record access procedures:

Same as notification procedure above.

Contesting record procedures:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

Applications submitted by applicant.

Systems exempted from certain provisions of the act:

None.

FEMA/SLPS-2

System name:

Military Reserve Program.

Security classification:

Unclassified.

System location:

State and Local Programs and Support Directorate, Federal Emergency Management Agency, Washington, DC 20472; all FEMA Regional Directors, addresses are listed in Appendix AA; and State and local civil preparedness agencies requesting information.

Categories of individuals covered by the system:

All military reservists who have or could have mobilization designation to FEMA, including FEMA Regional offices, and State and local civil preparedness agencies.

Categories of records in the system:

Includes copies of orders, lists of reservists assigned, and those eligible to be assigned, to the FEMA regions and State and local civil preparedness agencies; other related documents.

Authority for maintenance of the system:

10 U.S.C. 270; 10 U.S.C. 275; 41 U.S.C. 3101; 50 U.S.C. App. 2253; E.O. 12148; and Reorganization Plan No. 3 of 1978.

Purpose(s):

For the purpose of preparing statistical reports, rosters, lists of new assignees; review of assignments to provide information for reallocation of vacant spaces; provide basis for general management of the program, including the preparation of efficiency and other reports.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Applications are processed by the uniformed service's personnel headquarters and if approved, issuances of assignment orders are distributed to interested offices for program recruiting, record and management purposes.

Additional routine uses may include Nos. 5, 7 and 8 of Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer printouts and orders and related papers are filed in paper folders in metal filing cabinets.

Retrievability:

At FEMA Headquarters—by region and military service; at FEMA Regional offices—by military service, State, and individual's name.

Safeguards:

Personnel screening hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Retention of records shall be as long as the individual is assigned to the program. Records are reviewed annually and closed files are forwarded to subject individual.

System manager(s) and address:

Associate Director, State and Local Programs and Support Directorate, Federal Emergency Management Agency, Washington, DC 20472; and all FEMA Regional Directors, addresses are listed in Appendix AA.

Notification procedure:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

Record access procedures:

Same as notification procedure above.

Contesting record procedures:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

Reservist submits completed applications to FEMA Regional or State and local civil preparedness agency when he or she desires to work. Application is endorsed at each level and forwarded through civil preparedness channels to the respective service personnel administrative headquarters for processing, and if approved, issuance of assignment orders. Copies of assignment orders are distributed to interested offices.

Systems exempted from certain provisions of the act:

None.

FEMA/SLPS-3

System name:

Radioactive Materials Inventory.

Security classification:

Unclassified.

System location:

State and Local Programs and Support Directorate, Federal Emergency Management Agency, Washington, DC 20472; National Emergency Training Center, Emmitsburg, Maryland 21727 and all FEMA Regional Directors, addresses are listed in Appendix AA. Copies are also maintained at the appropriate State and Local Civil Preparedness agencies and at State radiological systems maintenance and calibration facilities, and as applicable to another Federal agency or FEMA contractor having radioactive material on loan.

Categories of individuals covered by the system:

Custodians of FEMA Radioactive Material.

Categories of records in the system: Files contain a listing of all FEMA owned radioactive materials on loan to a State, other Federal agencies, FEMA contractors and others. Categories of information stored in the system include: Custodian's name, address, city, county, telephone number, user authorization number and expiration date, date of transfer, FEMA Region, State, storage name, address city, county, license number, type, expiration date, radioactive material nomenclature, isotope activity, civil preparedness nomenclature, serial numbers, leak test data, ID number of item, voucher number and date.

Authority for maintenance of the system:

5 U.S.C. 301; 44 U.S.C. 3104; 50 U.S.C. App. 2253; E.O. 12148; and Reorganization Plan No. 3 of 1978.

Purpose(s):

For the purpose of controlling and maintaining a record to whom radioactive materials are loaned in order to avoid loss of unauthorized use.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information relating to radioactive material items on loan may be provided to the user which includes State Radiological Systems Maintenance, Maintenance and Calibration Facility, State Civil Preparedness offices, other Federal agencies, FEMA Contractors and others processing loaned material for determining custodian of an item; number of items on loan to a State, other Federal agency, contractors and other users; record of license number authorizing custodian possession of material; inventory of items by radioisotope; using incapsulation data and radioisotope decay to determine activity at any given time. For lost or unauthorized sources, the entire file may be searched.

Additional routine uses may include Nos. 1, 5, and 8 of Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer magnetic tapes and disks, computer paper printouts.

Retrievability:

Computer file is accessible by any of the categories listed in Record-Category above.

Computer file is accessible by any of the categories listed in Record-Category above.

Safeguards:

Personnel screening hardware and software computer security measures; computer printouts are stored in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Files are updated as changes occur. As records are updated, file incorporates records into a historical file so that previous information remains on storage enabling a listing of all previous data in file in various Record-Categories. This permits a listing of leak test history data, listing of all storage locations and date of transfer, listing of all custodians, date of transfer, license numbers under which item was loaned. Based on expiration date of license, lists can be prepared of licenses due for renewal and overdue. Based on leak test data, lists can be prepared of items scheduled for leak testing and overdue. Items in possession of unauthorized personnel can be traced to last custodian by serial number, ID number or other available nomenclature.

System manager(s) and address:

Associate Director, State and Local Programs and Support Directorate, Federal Emergency Management Agency, Washington, DC 20472; and all FEMA Regional Directors, addresses are listed in Appendix AA.

Notification procedure:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

Record access procedures:

Same as notification procedure above.

Contesting record procedures:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

Data to update file is supplied by custodians of loaned material (note: transferee will report name of new custodian), State Civil Preparedness Agency Maintenance and Calibration Facility personnel, FEMA Regional offices, RADEF and Technological Hazards Branch of State and Local Programs and Support Directorate and other FEMA divisions.

Systems exempted from certain provisions of the act:

None.

FEMA/SLPS-4

System name:

Maintenance and Calibration.

Security classification:

Unclassified.

System location:

State and Local Programs and Support Directorate, Federal Emergency Agency, Washington, DC 20472; and all FEMA Regional Directors, addresses are listed in Appendix AA. Copies are also maintained at the appropriate State and local civil preparedness agencies and at State radiological systems maintenance and calibration facilities, and as applicable to another Federal agency.

Categories of individuals covered by the system:

All State RADEF Officers and Maintenance Officers.

Categories of records in the system:

Files contain the shipping and mailing addresses of the State radiological systems maintenance and calibration facilities. It also contains the name and telephone number of the maintenance officer of the maintenance and calibration facility and the State RADEF officer.

Authority for maintenance of the system:

5 U.S.C. 301; 44 U.S.C. 3104; 50 U.S.C. App. 2253; E.O. 12148; and Reorganization Plan No. 3 of 1978.

Purpose(s):

For the purpose of keeping an up-to-date list and addresses of the maintenance officer of the maintenance and calibration facility and the State RADEF officer.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Mailing and shipping labels may be furnished to the Oak Ridge National Laboratory, Oak Ridge, Tennessee, and FEMA Logistical Support Facility, GSA, Ft. Worth, Texas, for use by them and the FEMA Federal Supply Depot to ship and mail supplies to the States for use under the Radiological Systems Maintenance contract. Information may also be furnished to other Federal agencies and to State radiological maintenance facilities upon request in order to furnish supplies, and/or information for use in the radiological systems maintenance contract.

Additional routine uses may include Nos. 5, and 8 of Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper files and computer tapes and disks.

Retrievability:

Filed by region then alphabetically by State name.

Safeguards:

Personnel screening hardware and software computer security measures; computer printouts are stored in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

When a list is updated, the prior list is destroyed.

System manager(s) and address:

Associate Director, State and Local Programs and Support Directorate, Federal Emergency Management Agency, Washington, DC 20472; and all FEMA Regional Directors, addresses are listed in Appendix AA.

Notification procedure:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

Record access procedures:

Same as notification procedure above.

Contesting record procedures:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

Information submitted by State RADEF Officer, Maintenance and Calibration Facility Officer, FEMA Regional Staff, and others knowledgeable of change in data.

Systems exempted from certain provisions of the act:

None.

FEMA/SLPS-5

System name:

Radiation Exposure and Radioactive Materials; Radiation Committee Records.

Security classification:

Unclassified.

System location:

State and Local Programs and Support Directorate, Federal Emergency Management Agency, Washington, D.C. 20472; National Emergency Training Center, Emmitsburg, Maryland 21727; and all FEMA Regional Directors, addresses are listed in Appendix AA.

Categories of individuals covered by the system:

Files contain the following types of individuals within FEMA or under FEMA Byproduct Materials License: All authorized users of sources of ionizing radiation; activity radiation safety officers; ionizing radiation dose records officers; ionizing radiation dose records for individuals using or exposed to ionizing radiation under FEMA license or authorization; custodians of FEMA sources of ionizing radiation; committee members and alternates.

Categories of records in the system:

Files contain records produced in the conduct of committee duties and functions which include the control and administration of, the procurement, use, handling, storage and disposal of all sources of ionizing radiation throughout FEMA and other users under FEMA licenses and authorizations, assuring compliance with licenses and authorizations issued to FEMA for ionizing radiation and the regulations applicable to these license holders. Records include committee members, authorized users, activity radiation safety officers, ionizing radiation dose records for individuals who may be exposed to FEMA sources of ionizing radiation, and inspections (surveys) of activities and facilities using FEMA sources of ionizing radiation.

Authority for maintenance of the system:

44 U.S.C. 3101; 50 U.S.C. App. 2253; 2281; 44 U.S.C. 2073, 2093, 2095, 2111, 2112, 2201, 2232, 2233, 2234, 2273 and E.O. 12148; and Reorganization Plan No. 3 of 1978.

Purpose(s):

For the purpose of procuring, using, handling, controlling, and administration of the procurement, use, handling, storage and disposal of all sources of ionizing radiation throughout FEMA and other users under FEMA licenses and authorizations, assuring compliance with licenses and authorizations issued to FEMA for ionizing radiation and the regulations applicable to these license holders.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To Radiation Control Committee in conduct of committee duties and functions including the following: Serving as an advisory board recommending approval and exercising control of the procurement, use, handling, storage, and disposal of sources of ionizing radiation for emergency management purposes; based upon the qualifications submitted, designate for approval all authorized users of sources of ionizing radiation with FEMA or under FEMA licenses or authorizations; recommend for approval activity radiation safety officers for all FEMA installations and other facilities where sources of ionizing radiation are used, handled or stored under FEMA licenses or authorizations; establishes general procedures and guidance governing the use, handling, storage of sources of ionizing radiation, including appropriate health physics or emergency procedures and precautions, establishing formal rules and regulations as necessary, assure that the rules and conditions of the FEMA licenses, authorizations, and regulations are observed in all FEMA activities; maintains records of the

procurement, receipt, transfer and disposal of all FEMA sources of ionizing radiation dose records for each FEMA employee and other individual who may have been exposed to ionizing radiation under FEMA licenses or authorizations; providing liaison with other Federal agencies with regard to committee duties and functions; maintain records of applications and amendments to licenses and authorizations for the use of ionizing radiation at FEMA facilities; maintain records of periodic inspections of all FEMA activities involved with sources of ionizing radiation under FEMA licenses and authorizations.

Additional routine uses may include Nos. 1, 5, and 8 of Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper files and radioactive materials inventory on computer magnetic tape and disks.

Retrievability:

Filed by subject and ionizing radiation exposure records subfiled alphabetically by name.

Safeguards:

Personnel screening hardware and software computer security measures; computer printouts are stored in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Files kept permanently in accordance with 10 CFR Parts 19, 20, 30, and 33. Files not covered by 10 CFR are kept for two years after completion then destroyed. Disposition of records not covered by 10 CFR shall be in accordance with FEMA Records Maintenance and Disposition System.

System manager(s) and address:

Associate Director, State and Local Programs and Support Directorate, Federal Emergency Management Agency, Washington, DC 20472; and all FEMA Regional Directors, addresses are listed in Appendix AA.

Notification procedure:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

Record access procedures:

Same as notification procedure above.

Contesting record procedures:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6.

Record source categories:

Reports prepared and submitted by committee members, activity radiation safety officers and uses. Data for ionizing radiation dose records from individuals wearing dosimeters and film badge processors.

Systems exempted from certain provisions of the act:

None.

FEMA/SLPS-6

System name:

Temporary and Permanent Relocation and Personal and Real Property Acquisitions and Relocation Files.

Security classification:

Unclassified.

System location:

The information will be gathered by a contractor for submission to the FEMA Regional Office which services the affected properties being acquired or relocated. The contractor will be subject to the Privacy Act requirements during the contractor's custody of the records. A secondary system relating to Superfund acquisitions will be maintained by the State and Local Programs and Support Directorate.

Office of Disaster Assistance, Federal Emergency Management Agency, Washington, DC 20472; and a secondary system relating to Section 1362 acquisitions under the National Flood Insurance Act will be maintained by the Federal Insurance Administration, Washington, DC 20472. Information on temporary relocation assistance will be collected by FEMA employees and maintained at a site office, at a Regional office, or at Headquarters, Washington, DC, depending upon who administered the program.

Categories of individuals covered by the system:

Individuals whose real property has been or is being acquired by FEMA and/or have been relocated or are being relocated by FEMA.

Categories of records in the system:

The file may contain the following: (1) For Section 1362 acquisitions, the files before Fiscal Year 1985 contain copies of the appraisals, appraisal contracts and reviews and approval documents. After FY 1985, the files do not contain copies of any appraisals or related appraisal documents; for Superfund acquisition, the files include only the appraisal contracts, and approval documents; (2) Amounts paid for purchase of property including records of negotiations and offers; (3) Title search documentation, including property titles, title company correspondence, closing papers, tax records, and contracts; (4) Loan interest payment information including mortgage payment papers, loan documentation claims, and FEMA approvals; (5) Information for determining benefit amounts for real property acquisition including tax records, mortgage information and divorce decrees; (6) Information concerning replacement housing determinations including tax information, affidavits, and determinations; (7) Relocation claims payment information including documents which verify that funds have been spent, deeds, contracts, building estimates, construction bills, loan papers, leases, cancelled checks, claim forms, and Decent, Safe and Sanitary Inspection Forms; (8) Deeds, contractual sale documents, notations of follow-up actions, appraiser qualifications, rent supplement information, insurance verifications, moving cost information, permanent relocation questionnaires including background information on displaced persons, and information supplied by displaced persons to support claims for real property acquisition and relocation assistance. The temporary relocation assistance file may contain the following: (1) Applicant contact sheets; (2) Application for assistance; (3) Leases and/or reimbursement agreements and corresponding housing inspection reports; (4) Requests for payment with supporting bills, receipts, etc., for relocation expenses and payments records to individuals and businesses; and (5) Move-out records. This system may also include the taxpayer identification number (social security number).

Authority for maintenance of the system:

Comprehensive Environmental Response Compensation Liability Act of 1980, Executive Order 12316, Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. 4601 et seq.), Section 1362 of the National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), as amended, 42 U.S.C. 4001-4128, Reorganization Plan No. 3 of 1978 and Executive Order 12127.

Purpose(s):

Information is used for the purpose of tracking individual properties which qualify for acquisition and/or relocation under the Comprehensive Environmental Response Compensation Liability Act of 1980 and/or Section 1362 of the National Flood Insurance Act of 1968, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information may be provided to the affected State or a political subdivision thereof for the purpose of determining the State's or subdivision's eligibility for taking title to the acquired property for recreational and open space resources; to the Environmental Protection Agency for the purpose of verifying the proper eligibility and use of Superfund monies to acquire properties found to be uninhabitable for the population and in connection with legal cases brought under the Superfund; to the Small Business Administration for the purpose of determining the individual/business eligibility for loans and nonduplication of funds; and to the U.S. General Accounting Office, Department of Justice, or a United States Attorney for legal representation in duplication of benefits provided to the individual or legal cases brought by or against FEMA, or in the case of Superfund monies, those brought by or against the Environmental Protection Agency.

Additional routine uses may include Nos. 1, 5, and 8 of Appendix A.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Records are maintained in file folders, on lists and forms, and in computer processible-storage media.

Retrievability:

By name.

Safeguards:

Personnel screening hardware and software computer security measures; paper records are stored in a locked container and/or room. Records which are maintained at a site office might not be secured by building guards during non-business hours but are retained in a locked container and/or locked room. All other records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Permanent Personal and Real Property Acquisitions and Relocation records are covered by General Record Schedules 3 and 4. The file from whom real property has been acquired by FEMA and who have been relocated shall be retained for a period of 10 years after unconditional sale or release by the Government of conditions, restrictions, mortgages, or other liens. Abstract or certificate of title and other records deemed necessary or convenient for donated property shall be transferred to recipient of the property after release by the Government. Purchase related papers shall be destroyed 6 years and 3 months after final payment. Temporary relocation assistance records are covered by General Records Schedule 15. Copies of leases, renewals, termination notices, and related papers shall be destroyed 3 fiscal years following close of fiscal year in which (a) lease termination, lapse, or cancellation occurs, or (b) litigation is concluded, whichever is later. Rejected application files are destroyed 1 year from date of rejection and all other housing application files are destroyed when 2 years old.

Disposition of records not covered in this section shall be in accordance with FEMA Records Maintenance and Disposition System.

System manager(s) and address:

For Superfund acquisitions—Associate Director, State and Local Programs and Support Directorate, Federal Emergency Management Agency, Washington, DC 20472; and all FEMA Regional Directors, addresses are listed in Appendix AA. For Section 1362 acquisitions under the National Flood Insurance Act—Federal Insurance Administrator—Federal Emergency Management Agency, Washington, DC 20472; and all FEMA Regional Directors.

Notification procedure:

Inquiries should be addressed to the system manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

Record access procedures:

Same as notification procedure above.

Contesting record procedures:

Same as notification procedure above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6. Record source categories: Directly from the individual, the appraisal records, title report, or homeowner report.

Systems exempted from certain provisions of the act:

None.

Appendix A

Introduction to Routine Uses: Certain routine uses have been identified as being applicable to many of the FEMA systems of record notices. The specific routine uses applicable to an individual system of record notice will be listed under the "Routine Use" section of the notice itself and will correspond to the numbering of the routine uses

published below. These uses are published only once in the interest of simplicity, economy and to avoid redundancy, rather than repeating them in every individual system notice.

1. Routine Use—Law Enforcement: In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

2. Routine Use—Disclosure When Requesting Information: A record from a FEMA system of records may be disclosed as a routine use to a Federal, State, or local agency maintaining civil, criminal, regulatory, licensing or other enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letter of a contract, or the issuance of a license, grant, or other benefit.

3. Routine Use—Disclosure of Requested Information: A record from a FEMA system of records may be disclosed to a Federal agency, in response to a written request in connection with the hiring or retention of an employee, the issuance of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. Routine Use—Grievance, Complaint, Appeal: A record from a FEMA system of records may be disclosed to an authorized appeal or grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator, or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the Office of Personnel Management in accordance with that agency's responsibility for evaluation of Federal personnel management.

To the extent that official personnel records in the custody of FEMA are covered within systems of records published by the Office of Personnel Management as government-wide records, those records will be considered as a part of that government-wide system. Other official personnel records covered by notices published by FEMA and considered to be separate systems of records may be transferred to the Office of Personnel Management in accordance with official personnel programs and activities as a routine activity as a routine use.

5. Routine Use—Congressional Inquiries: A record from a FEMA system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

6. Routine Use—Private Relief Legislation: The information contained in a FEMA system of records may be disclosed as a routine use to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any state of the legislative coordination and clearance process as set forth in that circular.

7. Routine Use—Disclosure to the Office of Personnel Management: A record from a FEMA system of records may be disclosed to the Office of Personnel Management concerning information on pay and leave benefits, retirement deductions, and any other information concerning personnel actions.

8. Routine Use—Disclosure to National Archives and Records Administration: A record from a FEMA system of records may be disclosed as a routine use to the National Archives and Records Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 12906.

Appendix AA**Addresses for FEMA Regional Offices**

Region I—Regional Director, FEMA, Room 442, J.W. McCormack Post Office and Courthouse Building, Boston, MA 02109;

Region II—Regional Director, FEMA, 26 Federal Plaza, Room 1349, New York, NY 10278;

Region III—Regional Director, FEMA, Liberty Square Building (Second Floor), 105 South Seventh Street, Philadelphia, PA 19106;

Region IV—Regional Director, FEMA, 1371 Peachtree Street, N.E., Atlanta, GA 30309;

Region V—Regional Director, FEMA, 300 South Wacker Drive, 24th Floor, Chicago, IL 60606;

Region VI—Regional Director, FEMA, Federal Regional Center, Room 206, 800 North Loop 288, Denton, TX 76201-3698;

Region VII—Regional Director, FEMA, 911 Walnut Street, Room 300, Kansas City, MO 64106;

Region VIII—Regional Director, FEMA, Denver Federal Center, Building 710, Box 25267, Denver, CO 80225-0267;

Region IX—Regional Director, FEMA, Building 105, Presidio of San Francisco, CA 94129;

Region X—Regional Director, FEMA, Federal Regional Center, 130 228th Street, S.W., Bothell, WA 98021-9796.

Title 44-Federal Emergency Management and Assistance

Chapter I-Federal Emergency Management Agency

PART 6—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

Subpart A—General

Sec.

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- 6.2 Definitions.
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- 6.4 Standards of agency.
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- 6.30 Form of requests.
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- 6.50 Submission of requests to amend records.
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- 6.70 Reporting requirement.
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- 6.80 Records available at fee.
- 6.81 Additional copies.
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- 6.84 Form of payment.
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Subpart G—Exempt Systems of Records

- 6.86 General exemptions.
 - 6.87 Specific exemptions.
- Authority: Pub. L. 93-579; 5 U.S.C. 552a; Reorganization Plan No. 3 of 1978, and E. O. 12127.

Source: 44 FR 50293, Aug. 27, 1979

Subpart A—General

§ 6.1 Purpose and scope of part.

This part sets forth policies and procedures concerning the collection, use and dissemination of records maintained by the Federal Emergency Management Agency (FEMA) which are subject to the provision of 5 U.S.C. 552a, popularly known as the "Privacy Act of 1974" (hereinafter referred to as the Act). These policies and procedures govern only those records as defined in § 6.2. Policies and procedures governing the disclosure and availability of records in general are in Part 5 of this chapter. This part also covers: (a) Procedures for notification to individuals of a FEMA system of records pertaining to them; (b) guidance to individuals in obtaining information, including inspections of, and disagreement with, the content of records; (c) accounting of disclosure; (d) special requirements for medical records; and (e) fees.

§ 6.2 Definitions.

For the purpose of this Part:

(a) "Agency" includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency (see 5 U.S.C. 552(e)).

(b) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(c) "Maintain" includes maintain, collect, use, and disseminate.

(d) "Record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to those concerning education, financial transactions, medical history, and criminal or employment history, and that contains the name or other identifying particular assigned to the individual, such as a fingerprint, voiceprint, or photograph.

(e) "System of records" means a group of any records under the control of an agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identification assigned to that individual.

(f) "Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by 13 U.S.C. 8.

(g) "Routine use" means, with respect to the disclosure of a record, the use of that record for a purpose which is compatible with the purpose for which it was collected.

(h) "System manager" means the employee of FEMA who is responsible for the maintenance of a system of records and for the collection, use, and dissemination of information therein.

(i) "Subject individual" means the individual named or discussed in a record of the individual to whom a record otherwise pertains.

(j) "Disclosure" means a transfer of a record, a copy of a record, or any or all of the information contained in a record to a recipient other than the subject individual, or the review of a record by someone other than the subject individual.

(k) "Access" means a transfer of a record, a copy of a record, or the information in a record to the subject individual, or the review of a record by the subject individual.

(l) "Solicitation" means a request by an officer or employee of FEMA that an individual provide information about himself or herself.

(m) "Director" means the Director, FEMA.

(n) "Deputy Director" means the Deputy Director, FEMA, or, in the case of the absence of the Deputy Director, or a vacancy in that office, a person designated by the Director to perform the functions under this regulation of the Deputy Director.

(o) "Privacy Appeals Officer" means the Director of Office of Public Affairs or his/her designee.

§ 6.3 Collection and use of information (Privacy Act statements).

(a) *General:* Any information used in whole or in part in making a determination about an individual's rights, benefits, or privileges under FEMA programs will be collected directly from the subject individual to the extent practicable. The system manager also shall ensure that information collected is used only in conformance with the provisions of the Act and these regulations.

(b) *Solicitation of Information:* System managers shall ensure that at the time information is solicited the solicited individual is informed of the authority for collecting that information, whether providing the information is mandatory or voluntary, the purpose for which the information will be used, the routine uses to be made of the information, and the effects on the individual, if any, of not providing the information. The Director, Finance and Administration

and Regional Directors shall ensure that forms used to solicit information are in compliance with the act and these regulations.

(c) *Solicitation of Social Security Numbers.* Before an employee of FEMA can deny to any individual a right, benefit, or privilege provided by law because such individual refuses to disclose his/her social security account number, the employee of FEMA shall ensure that either:

(1) The disclosure is required by Federal statute; or

(2) The disclosure of a social security number was required under a statute or regulation adopted before January 1, 1975, to verify the identity of an individual, and the social security number will become a part of a system of records in existence and operating before January 1, 1975. If solicitation of the social security number is authorized under paragraph (c)(1) or (2) of this section, the FEMA employee who requests an individual to disclose the social security account number shall first inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority the number is solicited, and the use that will be made of it.

(d) *Soliciting Information From Third Parties:* An employee of FEMA shall inform third parties who are requested to provide information about another individual of the purposes for which the information will be used.

§ 6.4 Standards of accuracy.

The system manager shall ensure that all records which are used by FEMA to make determinations about any individual are maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to ensure fairness to the individual.

[44 FR 50293, Aug. 27, 1979, as amended at 48 FR 12091, Mar. 23, 1983]

§ 6.5 Rules of conduct.

Employees of FEMA involved in the design, development, operation, or maintenance of any system of records or in maintaining any record, shall conduct themselves in accordance with the rules of conduct concerning the protection of personal information in § 3.25 of this chapter.

§ 6.6 Safeguarding systems of records.

(a) Systems managers shall ensure that appropriate administrative, technical, and physical safeguards are established to ensure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity

which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained.

(b) Personnel information contained in both manual and automated systems of records shall be protected by implementing the following safeguards:

(1) Official personnel folders, authorized personnel operating or work folders and other records of personnel actions effected during an employee's Federal service or affecting the employee's status and service, including information on experience, education, training, special qualification, and skills, performance appraisals, and conduct, shall be stored in a lockable metal filing cabinet when not in use by an authorized person. A system manager may employ an alternative storage system providing that it furnished an equivalent degree of physical security as storage in a lockable metal filing cabinet.

(2) System managers, at their discretion may designate additional records of unusual sensitivity which require safeguards similar to those described in paragraph (a) of this section.

(3) A system manager shall permit access to and use of automated or manual personnel records only to persons whose official duties require such access, or to a subject individual or his or her representative as provided by this part.

§ 6.7 Records of other agencies.

If FEMA receives a request for access to records which are the primary responsibility of another agency, but which are maintained by or in the temporary possession of FEMA on behalf of that agency, FEMA will advise the requestor that the request has been forwarded to the responsible agency. Records in the custody of FEMA which are the primary responsibility of the Office of Personnel Management are governed by the rules promulgated by it pursuant to the Privacy Act.

§ 6.8 Subpoena and other legal demands.

Access to records in systems of records by subpoena or other legal process shall be in accordance with the provisions of Part 5 of this chapter.

§ 6.9 Inconsistent issuances of FEMA and/or its predecessor agencies superseded.

Any policies and procedures in any issuances of FEMA or any of its predecessor agencies which are inconsistent with the policies and procedures in this Part are superseded to the extent of that inconsistency.

§ 6.10 Assistance and referrals.

Requests for assistance and referral to the responsible system manager or other FEMA employee charged with implementing these regulations should be made to the Privacy Appeals Officer, Federal Emergency Management Agency, Washington, D.C. 20472.

Subpart B—Disclosure of Records

§ 6.20 Conditions of disclosure.

No employee of FEMA shall disclose any record to any person or to another agency without the express written consent of the subject individual unless the disclosure is:

(a) To officers or employees of FEMA who have a need for the information in the official performance of their duties;

(b) Required by the provisions of the Freedom of Information Act, 5 U.S.C. 552.

(c) For a routine use as published in the annual notices in the **Federal Register**;

(d) To the Bureau of the Census for use pursuant to Title 13, United States Code;

(e) To a recipient who has provided FEMA with advance adequate written assurance that the record will be used solely as a statistical research or reporting record subject to the following: The record shall be transferred in a form that is not individually identifiable. The written statement should include as a minimum (1) a statement of the purpose for requesting the records; and (2) certification that the records will be used only for statistical purposes. These written statements should be maintained as accounting records. In addition to deleting personal identifying information from records released for statistical purposes, the system manager shall ensure that the identity of the individual cannot reasonably be deduced by combining various statistical records;

(f) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(g) To another agency or instrumentality of any governmental jurisdiction within or under the control of the United States for civil or criminal law enforcement activity, if the activity is authorized by law, and if the head of the agency or instrumentality or his designated representative has made a written request to the Director

specifying the particular portion desired and the law enforcement activity for which the record is sought;

(h) To a person showing compelling circumstances affecting the health and safety of an individual to whom the record pertains. (Upon such disclosure, a notification must be sent to the last known address of the subject individual.)

(i) To either House of Congress or to a subcommittee or committee (joint or of either House, to the extent that the subject matter falls within their jurisdiction;

(j) To the Comptroller General or any duly authorized representatives of the Comptroller General in the course of the performance of the duties of the General Accounting Office; or

(k) Pursuant to the order of a court of competent jurisdiction.

§ 6.21 Procedures for disclosure.

(a) Upon receipt of a request for disclosure, the system manager shall verify the right of the requestor to obtain disclosure pursuant to § 6.20. Upon that verification and subject to other requirements of this part, the system manager shall make the requested records available.

(b) If the system manager determines that the disclosure is not permitted under the provisions of § 6.20 or other provisions of this part, the system manager shall deny the request in writing and shall inform the requestor of the right to submit a request for review and final determination to the Director or designee.

§ 6.22 Accounting of disclosures.

(a) Except for disclosures made pursuant to § 6.20 (a) and (b), an accurate accounting of each disclosure shall be made and retained for 5 years after the disclosure or for the life of the record, whichever is longer. The accounting shall include the date, nature, and purpose of each disclosure, and the name and address of the person or agency to whom the disclosure is made;

(b) The system manager also shall maintain in conjunction with the accounting of disclosures:

(1) A full statement of the justification for the disclosure.

(2) All documentation surrounding disclosure of a record for statistical or law enforcement purposes; and

(3) Evidence of written consent to a disclosure given by the subject individual.

(c) Except for the accounting of disclosures made to agencies or instrumentalities in law enforcement activities in accordance with § 6.20 (g)

or of disclosures made from exempt systems the accounting of disclosures shall be made available to the individual upon request. Procedures for requesting access to the accounting are in Subpart C of this part.

Subpart C—Individual Access to Records

§ 6.30 Form of requests.

(a) An individual who seeks access to his or her record or to any information pertaining to the individual which is contained in a system of records should notify the system manager at the address indicated in the **Federal Register** notice describing the pertinent system. The notice should bear the legend "Privacy Act Request" both on the request letter and on the envelope. It will help in the processing of a request if the request letter contains the complete name and identifying number of the system as published in the **Federal Register**; the full name and address of the subject individual; a brief description of the nature, time, place, and circumstances of the individual's association with FEMA; and any other information which the individual believes would help the system manager to determine whether the information about the individual is included in the system of records. The system manager shall answer or acknowledge the request within 10 workdays of its receipt by FEMA.

(b) The system manager, at his discretion, may accept oral requests for access subject to verification of identity.

§ 6.31 Special requirements for medical records.

(a) A system manager who receives a request from an individual for access to those official medical records which belong to the U.S. Office of Personnel Management and are described in Chapter 339, Federal Personnel Manual (medical records about entrance qualifications or fitness for duty, or medical records which are otherwise filed in the Official Personnel Folder), shall refer the pertinent system of records to a Federal Medical Officer for review and determination in accordance with this section. If no Federal Medical Officer is available to make the determination required by this section, the system manager shall refer the request and the medical reports concerned to the Office of Personnel Management for determination.

(b) If, in the opinion of a Federal Medical Officer, medical records requested by the subject individual indicate a condition about which a prudent physician would hesitate to

inform a person suffering from such a condition of its exact nature and probable outcome, the system manager shall not release the medical information to the subject individual nor to any person other than a physician designated in writing by the subject individual, or the guardian or conservator of the individual.

(c) If, in the opinion of a Federal Medical Officer, the medical information does not indicate the presence of any condition which would cause a prudent physician to hesitate to inform a person suffering from such a condition of its exact nature and probable outcome, the system manager shall release it to the subject individual or to any person, firm, or organization which the individual authorizes in writing to receive it.

§ 6.32 Granting access.

(a) Upon receipt of a request for access to non-exempt records, the system manager shall make these records available to the subject individual or shall acknowledge the request within 10 workdays of its receipt by FEMA. The acknowledgment shall indicate when the system manager will make the records available.

(b) If the system manager anticipates more than a 10 day delay in making a record available, he or she also shall include in the acknowledgment specific reasons for the delay.

(c) If a subject individual's request for access does not contain sufficient information to permit the system manager to locate the records, the system manager shall request additional information from the individual and shall have 10 workdays following receipt of the additional information in which to make the records available or to acknowledge receipt of the request and indicate when the records will be available.

(d) Records will be available for authorized access during normal business hours at the offices where the records are located. A requestor should be prepared to identify himself or herself by signature; i.e., to note by signature the date of access and/or produce other identification verifying the signature.

(e) Upon request, a system manager shall permit an individual to examine the original of a non-exempt record, shall provide the individual with a copy of the record, or both. Fees shall be charged in accordance with Subpart F.

(f) An individual may request to pick up a record in person or to receive it by mail, directed to the name and address provided by the individual in the request. A system manager shall not

make a record available to a third party for delivery to the subject individual except for medical records as outlined in § 6.31.

(g) An individual who selects another person to review, or to accompany the individual in reviewing or obtaining a copy of the record must, prior to the disclosure, sign a statement authorizing the disclosure of the record. The system manager shall maintain this statement with the record.

(h) The procedure for access to an accounting of disclosure is identical to the procedure for access to a record as set forth in this section.

§ 6.33 Denials of access.

(a) A system manager may deny an individual access to that individual's record only upon the grounds that FEMA has published the rules in the **Federal Register** exempting the pertinent system of records from the access requirement. These exempt systems of records are described in Subpart G of this part.

(b) Upon receipt of a request for access to a record which the system manager believes is contained within an exempt system of records, he or she shall forward the request to the appropriate official listed below through normal supervisory channels.

(1) At Headquarters:

- (i) The Deputy Director.
- (ii) Associate Directors or Office Directors.
- (iii) Assistant Director for Training and Education.
- (iv) U.S. Fire Administrator.
- (v) Federal Insurance Administrator.
- (vi) Director, Operations Support.
- (vii) Director, Personnel.
- (viii) Director, Finance and Administration.
- (ix) Director, Program Evaluation and Research.
- (x) General Counsel.
- (xi) Inspector General.

(2) At Regions: *Regional Directors.*

The system manager shall append to the request an explanation of the determination that the requested record is contained within an exempt system of records and a recommendation that the request be denied or granted.

(c) In the event that the system manager serves in one of the positions listed in paragraph (b) of this section, he or she shall retain the responsibility for denying or granting the request.

(d) The appropriate official listed in paragraph (b) of this section shall, in consultation with the Office of General Counsel and such other officials as deemed appropriate, determine if the request record is contained with an exempt system of records and:

(1) If the record is not contained within an exempt system of records, the

above official shall notify the system manager to grant the request in accordance with § 6.32, or

(2) If the record is contained within an exempt system said official shall;

(i) Notify the requester that the request is denied, including a statement justifying the denial and advising the requestor of a right to judicial review of that decision as provided in § 6.57, or

(ii) Notify the system manager to make record available to the requestor in accordance with § 6.31, notwithstanding the record's inclusion within an exempt system.

(e) The appropriate official listed in paragraph (b) of this section shall provide the Privacy Appeals Office with a copy of any denial of a requested access.

§ 6.34 Appeal of denial of access within FEMA.

A requestor denied access in whole or in part, to records pertaining to that individual, exclusive of those records for which the system manager is the Director, may file an administrative appeal of that denial. Appeals of denied access will be processed in the same manner as processing for appeals from a denial of a request to amend a record set out in § 6.55, regardless whether the denial being appealed is made at headquarters or by a regional office.

Subpart D—Requests to Amend Records

§ 6.50 Submission of requests to amend records.

An individual who desires to amend any record containing personal information about the individual should direct a written request to the system manager specified in the pertinent **Federal Register** notice concerning FEMA's systems of records. A current FEMA employee who desires to amend personnel records should submit a written request to the FEMA Director of Personnel, Washington, D.C. 20472. Each request should include evidence of and justification for the need to amend the pertinent record. Each request should bear the legend "Privacy Act—Request to Amend Record" prominently marked on both the face of the request letter and the envelope.

§ 6.51 Review of requests to amend records.

(a) The system manager shall acknowledge the receipt of a request to amend a record within 10 workdays. If possible, the acknowledgment shall include the system manager's determination either to amend the record or to deny the request to amend as provided in § 6.53.

(b) When reviewing a record in response to a request to amend, the system manager shall assess the accuracy, relevance, timeliness, and completeness of the existing record in light of the proposed amendment and shall determine whether the request for the amendment is justified. With respect to a request to delete information, the system manager also shall review the request and the existing record to determine whether the information is relevant and necessary to accomplish an agency purpose required to be accomplished by statute or Executive Order.

§ 6.52 Approval of requests to amend records.

If the system manager determines that amendment of a record is proper in accordance with the request to amend, he or she promptly shall make the necessary corrections to the record and shall send a copy of the corrected record to the individual. Where an accounting of disclosure has been maintained, the system manager shall advise all previous recipients of the record of the fact that a correction has been made and the substance of the correction. Where practicable, the system manager shall advise the Privacy Appeals Officer that a request to amend has been approved.

§ 6.53 Denial of requests to amend records.

(a) If the system manager determines that an amendment of a record is improper or that the record should be amended in a manner other than that requested by an individual, he shall refer the request to amend and his determinations and recommendations to the appropriate official listed in § 6.33(b) through normal supervisory channels.

(b) If the official listed in § 6.33, after reviewing the request to amend a record, determines to amend the record in accordance with the request, said official promptly shall return the request to the system manager with instructions to make the requested amendments in accordance with § 6.52.

(c) If the appropriate official listed in § 6.33, after reviewing the request to amend a record, determines not to amend the record in accordance with the request, the requestor shall be promptly advised in writing of the determination. The refusal letter (1) shall state the reasons for the denial of the request to amend; (2) shall include proposed alternative amendments, if appropriate; (3) shall state the requestor's right to appeal the denial of the request to amend; and (4) shall state

the procedures for appealing and the name and title of the official to whom the appeal is to be addressed.

(d) The appropriate official listed in § 6.33 shall furnish the Privacy Appeals Officer a copy of each initial denial of a request to amend a record.

§ 6.54 Agreement to alternative amendments.

If the denial of a request to amend a record includes proposed alternative amendments, and if the requester agrees to accept them, he or she must notify the official who signed the denial. That official immediately shall instruct the system manager to make the necessary amendments in accordance with § 6.52.

§ 6.55 Appeal of denial of request to amend a record.

(a) A requestor who disagrees with a denial of a request to amend a record may file an administrative appeal of that denial. The requestor should address the appeal to the FEMA Privacy Appeals Officer, Washington, D.C. 20472. If the requestor is an employee of FEMA and the denial to amend involves a record maintained in the employee's Official Personnel Folder covered by an Office of Personnel Management Government wide system notice, the appeal should be addressed to the Assistant Director, Information systems, Agency Compliance and Evaluation Group, Office of Personnel Management, Washington, D.C. 20415.

(b) Each appeal to the Privacy Act Appeals Officer shall be in writing and must be received by FEMA no later than 30 calendar days from the requestor's receipt of a denial of a request to amend a record. The appeal should bear the legend "Privacy Act—Appeal," both on the face of the letter and the envelope.

(c) Upon receipt of an appeal, the Privacy Act Appeals Officer shall consult with the system manager, the official who made the denial, the General Counsel or a member of that office, and such other officials as may be appropriate. If the Privacy Act Appeals Officer in consultation with these officials, determines that the record should be amended, as requested, the system manager shall be instructed immediately to amend the record in accordance with § 6.52 and shall notify the requestor of that action.

(d) If the Privacy Act Appeals Officer, in consultation with the officials specified in paragraph (c) of this section, determines that the appeal should be rejected, the Privacy Act Appeals Officer shall submit the file on the request and appeal, including findings and recommendations, to the Deputy

Director for a final administrative determination.

(e) If the Deputy Director determines that the record should be amended as requested, he or she immediately shall instruct the system manager in writing to amend the record in accordance with § 6.52. The Deputy Director shall send a copy of those instructions to the Privacy Act Appeals Officer, who shall notify the requester of that action.

(f) If the Deputy Director determines to reject the appeal, the requestor shall immediately be notified in writing of that determination. This action shall constitute the final administrative determination on the request to amend the record and shall include:

(1) The reasons for the rejection of the appeal.

(2) Proposed alternative amendments, if appropriate, which the requestor subsequently may accept in accordance with § 6.54.

(3) Notice of the requestor's right to file a Statement of Disagreement for distribution in accordance with § 6.56.

(4) Notice of the requestor's right to seek judicial review of the final administrative determination, as provided in § 6.57.

(g) The final agency determination must be made no later than 30 workdays from the date on which the appeal is received by the Privacy Act Appeals Officer.

(h) In extraordinary circumstances, the Director may extend this time limit by notifying the requestor in writing before the expiration of the 30 workdays. The Director's notification will include a justification for the extension.

§ 6.56 Statement of disagreement.

Upon receipt of a final administrative determination denying a request to amend a record, the requestor may file a Statement of Disagreement with the appropriate system manager. The Statement of Disagreement should include an explanation of why the requestor believes the record to be inaccurate, irrelevant, untimely, or incomplete. The system manager shall maintain the Statement of Disagreement in conjunction with the pertinent record, and shall include a copy of the Statement of Disagreement in any disclosure of the pertinent record. The system manager shall provide a copy of the Statement of Disagreement to any person or agency to whom the record has been disclosed only if the disclosure was subject to the accounting requirements of § 6.22.

§ 6.57 Judicial review.

Within 2 years of receipt of a final administrative determination as provided in § 6.34 or § 6.55, a requestor may seek judicial review of that determination. A civil action must be filed in the Federal District Court in which the requestor resides or has his or her principal place of business or in which the agency records are situated, or in the District of Columbia.

Subpart E—Report on New Systems and Alterations of Existing Systems

§ 6.70 Reporting requirement.

(a) No later than 90 calendar days prior to the establishment of a new system of records, the prospective system manager shall notify the Privacy Appeals Officer of the proposed new system. The prospective system manager shall include with the notification a completed FEMA Form 11-2, System of Records Covered by the Privacy Act of 1974, and a justification for each system of records proposed to be established. If the Privacy Appeals Officer determines that the establishment of the proposed system is in the best interest of the Government, then no later than 60 calendar days prior to the establishment of that system of records, a report of the proposal shall be submitted by the Director or a designee thereof, to the President of the Senate, the Speaker of the House of Representatives, and the Director of the Office of Management and Budget for their evaluation of the probable or potential effect of that proposal on the privacy and other personal or property rights of individuals.

(b) No later than 90 calendar days prior to the alteration of a system of records, the system manager responsible for the maintenance of that system of records shall notify the Privacy Appeals Officer of the proposed alteration. The system manager shall include with the notification a completed FEMA Form 11-2, System of Records Covered by the Privacy Act of 1974, and a justification for each system of records he proposes to alter. If it is determined that the proposed alteration is in the best interest of the Government, then, the Director, or a designee thereof, shall submit, no later than 60 calendar days prior to the establishment of that alteration, a report of the proposal to the President of the Senate, the Speaker of the House of Representatives, and the Director of the Office of Management and Budget for their evaluation of the probable or potential effect of that proposal on the privacy and other

personal or property rights of individuals.

(c) The reports required by this regulation are exempt from reports control.

(d) The Director may waive the time requirements set out in this section upon a finding that a delay in the establishing or amending the system would not be in the public interest and showing how the public interest would be adversely affected if the waiver were not granted and otherwise complying with OMB Circular A-108, and Transmittal Memorandums 1 and 3.

§ 6.71 Federal Register notice of establishment of new system or alteration of existing system.

Notice of the proposed establishment or alteration of a system of records shall be published in the **Federal Register**, in accordance with FEMA procedures when:

(a) Notice is received that the Senate, the House of Representatives, and the Office of Management and Budget do not object to the establishment of a new system or records or to the alteration of an existing system of records, or

(b) No fewer than 30 calendar days elapse from the date of submission of the proposal to the Senate, the House of Representatives, and the Office of Management and Budget without receipt of an objection to the proposal. The notice shall include all of the information required to be provided in FEMA Form 11-2, System of Records Covered by the Privacy Act of 1974, and such other information as the Director deems necessary.

§ 6.72 Effective date of new system of records or alteration of an existing system or records.

Systems of records proposed to be established or altered in accordance with the provisions of this subpart shall be effective no sooner than 30 calendar days from the publication of the notice required by § 6.71.

Subpart F—Fees

§ 6.80 Records available at fee.

The system manager shall provide a copy of a record to a requestor at a fee prescribed in § 6.85 unless the fee is waived under § 6.82.

§ 6.81 Additional copies.

A reasonable number of additional copies shall be provided for the applicable fee to a requestor who indicates that he has no access to commercial reproduction services.

§ 6.82 Waiver of fee.

The system manager shall make one copy of a record, up to 300 pages, available without charge to a requestor who is an employee of FEMA. The system manager may waive the fee requirement for any other requestor if the cost of collecting the fee is an unduly large part of, or greater than, the fee, or when furnishing the record without charge conforms to generally established business custom or is in the public interest.

[44 FR 50293, Aug. 27, 1979, as amended at 52 FR 13679, Apr. 24, 1987]

§ 6.83 Prepayment of fees.

(a) When FEMA estimates or determines that allowable charges that a requester may be required to pay are likely to exceed \$250.00, FEMA may require a requester to make an advance payment of the entire fee before continuing to process the request.

(b) When a requester has previously failed to pay a fee charged in a timely fashion (i.e., within 30 days of the date of the billing), FEMA may require the requester to pay the full amount owed plus any applicable interest as provided in § 6.85(d), and to make an advance payment of the full amount of the estimated fee before the agency begins to process a new request or a pending request from that requester.

(c) When FEMA acts under § 5.44 (a) or (b), the administrative time limits prescribed in subsection (a)(6) of the FOIA (i.e., 10 working days from the receipt of initial requests and 20 working days from receipt of appeals from initial denial, plus permissible extensions of these time limits) will begin only after FEMA has received fee payments described under § 5.44 (a) or (b).

[52 FR 13679, Apr. 24, 1987]

§ 6.84 Form of payment.

Payment shall be by check or money order payable to The Federal Emergency Management Agency and shall be addressed to the system manager.

§ 6.85 Reproduction fees.

(a) *Duplication costs.* (1) For copies of documents reproduced on a standard office copying machine in sizes up to 8½ x 14 inches, the charge will be \$.15 per page.

(2) The fee for reproducing copies of records over 8½ x 14 inches or whose physical characteristics do not permit reproduction by routine electrostatic copying shall be the direct cost of reproducing the records through Government or commercial sources. If FEMA estimates that the allowable duplication charges are likely to exceed \$25, it shall notify the requester of the

estimated amount of fees, unless the requester has indicated in advance his/her willingness to pay fees as high as those anticipated. Such a notice shall offer a requester the opportunity to confer with agency personnel with the objective of reformulating the request to meet his/her needs at a lower cost.

(3) For other methods of reproduction or duplication, FEMA shall charge the actual direct costs of producing the document(s). If FEMA estimates that the allowable duplication charges are likely to exceed \$25, it shall notify the requester of the estimated amount of fees, unless the requester has indicated in advance his/her willingness to pay fees as high as those anticipated. Such a notice shall offer a requester the opportunity to confer with agency personnel with the objective of reformulating the request to meet his/her needs at a lower cost.

(b) Interest may be charge to those requesters who fail to pay fees charged. FEMA may begin assessing interest charges on the amount billed starting on the 31st day following the day on which the billing was sent. Interest will be at the rate prescribed in section 3717 of Title 31 U.S.C.

[52 FR 13679, Apr. 24, 1987]

Subpart G—Exempt Systems of Records

§ 6.86 General exemptions.

(a) Whenever the Director, Federal Emergency Management Agency, determines it to be necessary and proper, with respect to any system of records maintained by the Federal Emergency Management Agency, to exercise the right to promulgate rules to exempt such systems in accordance with the provisions of 5 U.S.C. 552a (j) and (k), each specific exemption, including the parts of each system to be exempted, the provisions of the Act from which they are exempted, and the justification for each exemption shall be published in the **Federal Register** as part of FEMA's Notice of Systems of Records.

(b) Exempt under 5 U.S.C. 552a(j)(2) from the requirements of 5 U.S.C. 552a(c) (3) and (4), (d), (e) (1), (2), (3), (e)(4) (G), (H), and (I), (e) (5) and (6) (f) and (g) of the Privacy Act.

(1) *Exempt systems.* The following systems of records, which contain information of the type described in 5 U.S.C. 552(j)(2), shall be exempt from the provisions of 5 U.S.C. 552a listed in paragraph (b) of this section.

General Investigative Files (FEMA/IG-2)—Limited Access

(2) *Reasons for exemptions.* (i) 5 U.S.C. 552a (e)(4)(G) and (f)(1) enable individuals to be notified whether a system of records contains records pertaining to them. The Federal Emergency Management Agency believes that application of these provisions to the above-listed system of records would give individuals an opportunity to learn whether they are of record either as suspects or as subjects of a criminal investigation; this would compromise the ability of the Federal Emergency Management Agency to complete investigations and identify or detect violators of laws administered by the Federal Emergency Management Agency or other Federal agencies. Individuals would be able (A) to take steps to avoid detection, (B) to inform co-conspirators of the fact that an investigation is being conducted, (C) to learn the nature of the investigation to which they are being subjected, (D) to learn the type of surveillance being utilized, (E) to learn whether they are only suspects or identified law violators, (F) to continue to resume their illegal conduct without fear of detection upon learning that they are not in a particular system of records, and (G) to destroy evidence needed to prove the violation.

(ii) 5 U.S.C. 552a (d)(1), (e)(4)(H) and (f)(2), (3) and (5) enable individuals to gain access to records pertaining to them. The Federal Emergency Management Agency believes that application of these provisions to the above-listed system of records would compromise its ability to complete or continue criminal investigations and to detect or identify violators of laws administered by the Federal Emergency Management Agency or other Federal agencies. Permitting access to records contained in the above-listed system of records would provide individuals with significant information concerning the nature of the investigation, and this could enable them to avoid detection or apprehension in the following ways: (A) By discovering the collection of facts which would form the basis for their arrest, (B) by enabling them to destroy evidence of criminal conduct which would form the basis for their arrest, and (C) by learning that the criminal investigators had reason to believe that a crime was about to be committed, they could delay the commission of the crime or change the scene of the crime to a location which might not be under surveillance. Granting access to ongoing or closed investigative files would also reveal investigative techniques and procedures, the knowledge of which could enable individuals planning criminal activity to structure their future

operations in such a way as to avoid detection or apprehension, thereby neutralizing law enforcement officers' established investigative tools and procedures. Further, granting access to investigative files and records could disclose the identity of confidential sources and other informers and the nature of the information which they supplied, thereby endangering the life or physical safety of those sources of information by exposing them to possible reprisals for having provided information relating to the criminal activities of those individuals who are the subjects of the investigative files and records; confidential sources and other informers might refuse to provide criminal investigators with valuable information if they could not be secure in the knowledge that their identities would not be revealed through disclosure of either their names or the nature of the information they supplied, and this would seriously impair the ability of the Federal Emergency Management Agency to carry out its mandate to enforce criminal and related laws. Additionally, providing access to records contained in the above-listed system of records could reveal the identities of undercover law enforcement personnel who compiled information regarding individual's criminal activities, thereby endangering the life or physical safety of those undercover personnel or their families by exposing them to possible reprisals.

(iii) 5 U.S.C. 552a(d) (2), (3) and (4), (e)(4)(H) and (f)(4), which are dependent upon access having been granted to records pursuant to the provisions cited in paragraph (b)(2)(ii) of this section, enable individuals to contest (seek amendment to) the content of records contained in a system of records and require an agency to note an amended record and to provide a copy of an individual's statement (of disagreement with the agency's refusal to amend a record) to persons or other agencies to whom the record has been disclosed. The Federal Emergency Management Agency believes that the reasons set forth in paragraph (b)(2)(ii) of this section are equally applicable to this paragraph and, accordingly, those reasons are hereby incorporated herein by reference.

(iv) 5 U.S.C. 552a(c)(3) requires that an agency make accountings of disclosures of records available to individuals named in the records at their request; such accountings must state the date, nature and purpose of each disclosure of a record and the name and address of the recipient. The Federal Emergency Management Agency believes that

application of this provision to the above-listed system of records would impair the ability of other law enforcement agencies to make effective use of information provided by the Federal Emergency Management Agency in connection with the investigation, detection and apprehension of violators of the criminal laws enforced by those other law enforcement agencies. Making accountings of disclosure available to violators or possible violators would alert those individuals to the fact that another agency is conducting an investigation into their criminal activities, and this could reveal the geographic location of the other agency's investigation, the nature and purpose of that investigation, and the dates on which that investigation was active. Violators possessing such knowledge would thereby be able to take appropriate measures to avoid detection or apprehension by altering their operations, by transferring their criminal activities to other geographic areas or by destroying or concealing evidence which would form the basis for their arrest. In addition, providing violators with accountings of disclosure would alert those individuals to the fact that the Federal Emergency Management Agency has information regarding their criminal activities and could inform those individuals of the general nature of that information; this, in turn, would afford those individuals a better opportunity to take appropriate steps to avoid detection or apprehension for violations of criminal and related laws.

(v) 5 U.S.C. 552a(c)(4) requires that an agency inform any person or other agency about any correction or notation of dispute made by the agency in accordance with 5 U.S.C. 552a(d) of any record that has been disclosed to the person or agency if an accounting of the disclosure was made. Since this provision is dependent on an individual's having been provided an opportunity to contest (seek amendment to) records pertaining to him/her, and since the above-listed system of records is proposed to be exempt from those provisions of 5 U.S.C. 552a relating to amendments of records as indicated in paragraph (b)(2)(iii) of this section, the Federal Emergency Management Agency believes that this provision should not be applicable to the above system of records.

(vi) 5 U.S.C. 552a(e)(4)(I) requires that an agency publish a public notice listing the categories of sources for information contained in a system of records. The categories of sources of this system of

records have been published in the **Federal Register** in broad generic terms in the belief that this is all that subsection (e)(4)(I) of the Act requires. In the event, however, that this subsection should be interpreted to require more detail as to the identity of sources of the records in this system, exemption from this provision is necessary in order to protect the confidentiality of the sources of criminal and other law enforcement information. Such exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(vii) 5 U.S.C. 552a(e)(1) requires that an agency maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or executive order. The term "maintain" as defined in 5 U.S.C. 552a(a)(3) includes "collect" and "disseminate." At the time that information is collected by the Federal Emergency Management Agency, there is often insufficient time to determine whether the information is relevant and necessary to accomplish a purpose of the Federal Emergency Management Agency; in many cases information collected may not be immediately susceptible to a determination of whether the information is relevant and necessary, particularly in the early stages of an investigation, and in many cases, information which initially appears to be irrelevant or unnecessary may, upon further evaluation or upon continuation of the investigation, prove to have particular relevance to an enforcement program of the Federal Emergency Management Agency. Further, not all violations of law discovered during a criminal investigation fall within the investigative jurisdiction of the Federal Emergency Management Agency; in order to promote effective law enforcement, it often becomes necessary and desirable to disseminate information pertaining to such violations to other law enforcement agencies which have jurisdiction over the offense to which the information relates. The Federal Emergency Management Agency should not be placed in a position of having to ignore information relating to violations of law not within its jurisdiction when that information comes to the attention of the Federal Emergency Management Agency through the conduct of a lawful FEMA investigation. The Federal Emergency Management Agency, therefore, believes that it is appropriate to exempt the above-listed system of records from the provisions of 5 U.S.C. 552a(e)(1).

(viii) 5 U.S.C. 552a(e)(2) requires that an agency collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs. The Federal Emergency Management Agency believes that application of this provision to the above-listed system of records would impair the ability of the Federal Emergency Management Agency to conduct investigations and to identify or detect violators of criminal or related laws for the following reasons: (A) Most information collected about an individual under criminal investigations is obtained from third parties such as witnesses and informers, and it is usually not feasible to rely upon the subject of the investigation as a source for information regarding his/her criminal activities, (B) an attempt to obtain information from the subject of a criminal investigation will often alert that individual to the existence of an investigation, thereby affording the individual an opportunity to attempt to conceal his/her criminal activities so as to avoid apprehension, (C) in certain instances, the subject of a criminal investigation is not required to supply information to criminal investigators as a matter of legal duty, and (D) during criminal investigations it is often a matter of sound investigative procedures to obtain information from a variety of sources in order to verify information already obtained.

(ix) 5 U.S.C. 552a(e)(3) requires that an agency inform each individual whom it asks to supply information, either on the form which the agency uses to collect the information or on a separate form which can be retained by the individual, with the following information: The authority which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary; the principal purposes for which the information is intended to be used; the routine uses which may be made of the information; and the effects on the individual of not providing all or part of the requested information. The Federal Emergency Management Agency believes that the above-listed system of records should be exempted from this provision in order to avoid adverse effects on its ability to identify or detect violators of criminal or related laws. In many cases, information is obtained by confidential sources, other informers or undercover law enforcement officers under circumstances where it is necessary that the true purpose of their actions be kept

secret so as to avoid alerting the subject of the investigation or his/her associates that a criminal investigation is in process. Further, if it became known that the undercover officer was assisting in a criminal investigation, that officer's life or physical safety could be endangered through reprisal, and, under such circumstances it may not be possible to continue to utilize that officer in the investigation. In many cases, individuals, for personal reasons, would feel inhibited in talking to a person representing a criminal law enforcement agency but would be willing to talk to a confidential source or undercover officer who they believe is not involved in law enforcement activities. In addition, providing a source of information with written evidence that he was a source, as required by this provision, could increase the likelihood that the source of information would be the subject of retaliatory action by the subject of the investigation. Further, application of this provision could result in an unwarranted invasion of the personal privacy of the subject of the criminal investigation, particularly where further investigation would result in a finding that the subject was not involved in any criminal activity.

(x) 5 U.S.C. 552a(e)(5) requires that an agency maintain all records used by the agency in making any determination about any individual with such accuracy, relevance, timeliness and completeness as is reasonably necessary to assure fairness to the individual in the determination. Since 5 U.S.C. 552a(a)(3) defines "maintain" to include "collect" and "disseminate," application of this provision to the above-listed system of records would hinder the initial collection of any information which could not, at the moment of collection, be determined to be accurate, relevant, timely and complete. Similarly, application of this provision would seriously restrict the necessary flow of information from the Federal Emergency Management Agency to other law enforcement agencies when a FEMA investigation revealed information pertaining to a violation of law which was under investigative jurisdiction of another agency. In collecting information during the course of a criminal investigation, it is not possible or feasible to determine accuracy, relevance, timeliness or completeness prior to collection of the information; in disseminating information to other law enforcement agencies it is often not possible to determine accuracy, relevance, timeliness or completeness prior to

dissemination because the disseminating agency may not have the expertise with which to make such determinations. Further, information which may initially appear to be inaccurate, irrelevant, untimely or incomplete may, when gathered, grouped, and evaluated with other available information, become more pertinent as an investigation progresses. In addition, application of this provision could seriously impede criminal investigators and intelligence analysts in the exercise of their judgment in reporting on results obtained during criminal investigations. The Federal Emergency Management Agency believes that it is appropriate to exempt the above-listed system of records from the provisions of 5 U.S.C. 552a(e)(5).

(xi) 5 U.S.C. 552a(e)(8) requires that an agency make reasonable effort to serve notice on an individual when any record on the individual is made available to any person under compulsory legal process when such process becomes a matter of public record. The Federal Emergency Management Agency believes that the above-listed system of records should be exempt from this provision in order to avoid revealing investigative techniques and procedures outlined in those records and in order to prevent revelation of the existence on an on-going investigation where there is a need to keep the existence of the investigation secret.

(xii) 5 U.S.C. 552a(g) provides civil remedies to an individual for an agency's refusal to amend a record or to make a review of a request for amendment; for an agency's refusal to grant access to a record; for an agency's failure to maintain accurate, relevant, timely and complete records which are used to make a determination which is adverse to the individual; and for an agency's failure to comply with any other provision of 5 U.S.C. 552a in such a way as to have an adverse effect on an individual. The Federal Emergency Management Agency believes that the above-listed system of records should be exempted from this provision to the extent that the civil remedies provided therein may relate to provisions of 5 U.S.C. 552a from which the above-listed system of records is proposed to be exempt. Since the provisions of 5 U.S.C. 552a enumerated in paragraphs (b)(2)(i) through (xi) of this section are proposed to be inapplicable to the above-listed systems of records for the reasons stated therein, there should be no corresponding civil remedies for failure to comply with the requirements of those provisions to which the exemption is proposed to apply. Further, the

Federal Emergency Management Agency believes that application of this provision to the above-listed system of records would adversely affect its ability to conduct criminal investigations by exposing to civil court action every stage of the criminal investigative process in which information is compiled or used in order to identify, detect, or otherwise investigate persons suspected or known to be engaged in criminal conduct.

(xiii) Individuals may not have access to another agency's records, which are contained in files maintained by the Federal Emergency Management Agency, when that other agency's regulations provide that such records are subject to general exemption under 5 U.S.C. 552a(j). If such exempt records are within a request for access, FEMA will advise the individual of their existence and of the name and address of the source agency. For any further information concerning the record and the exemption, the individual must contact that source agency.

§ 6.87 Specific exemptions.

(a) *Exempt under 5 U.S.C. 552a(k)(1).* The Director, Federal Emergency Management Agency has determined that certain systems of records may be exempt from the requirements of (c)(3) and (d) pursuant to 5 U.S.C. 552a(k)(1) to the extent that the system contains any information properly classified under Executive Order 12356 or any subsequent Executive order and which are required to be kept secret in the interest of national defense or foreign policy. To the extent that this occurs, such records in the following systems would be exempt:

Claims (litigation) (FEMA/GC-1)—Limited Access

FEMA Enforcement (Compliance) (FEMA/GC-2)—Limited Access

General Investigative Files (FEMA/IG-1)—Limited Access

(b)(1) *Exempt systems.* The following systems of records, which contain information of the type described in 5 U.S.C. 552a(k)(2), shall be exempt from the provisions of 5 U.S.C. 552a(k)(2) listed in paragraph (b) of this section.

Claims (litigation) (FEMA/GC-1)—Limited Access

FEMA Enforcement (Compliance) (FEMA/GC-2)—Limited Access

General Investigative Files (FEMA/IG-1)—Limited Access

Equal Employment Opportunity Complaints of Discrimination Files (FEMA/PER-2)—Limited Access

(2) *Reasons for exemptions.* (i) 5 U.S.C. 552a (e)(4)(G) and (f)(1) enable individuals to be notified whether a system of records contains records

pertaining to them. The Federal Emergency Management Agency believes that application of these provisions to the above-listed systems of records would impair the ability of FEMA to successfully complete investigations and inquiries of suspected violators of civil and criminal laws and regulations under its jurisdiction. In many cases investigations and inquiries into violations of civil and criminal laws and regulations involve complex and continuing patterns of behavior. Individuals, if informed, that they have been identified as suspected violators of civil or criminal laws and regulations, would have an opportunity to take measures to prevent detection of illegal action so as to avoid prosecution or the imposition of civil sanctions. They would also be able to learn the nature and location of the investigation or inquiry, the type of surveillance being utilized, and they would be able to transmit this knowledge to co-conspirators. Finally, violators might be given the opportunity to destroy evidence needed to prove the violation under investigation or inquiry.

(ii) 5 U.S.C. 552a (d)(1), (e)(4)(H) and (f)(2), (3) and (5) enable individuals to gain access to records pertaining to them. The Federal Emergency Management Agency believes that application of these provisions to the above-listed systems of records would impair its ability to complete or continue civil or criminal investigations and inquiries and to detect violators of civil or criminal laws. Permitting access to records contained in the above-listed systems of records would provide violators with significant information concerning the nature of the civil or criminal investigation or inquiry. Knowledge of the facts developed during an investigation or inquiry would enable violators of criminal and civil laws and regulations to learn the extent to which the investigation or inquiry has progressed, and this could provide them with an opportunity to destroy evidence that would form the basis for prosecution or the imposition of civil sanctions. In addition, knowledge gained through access to investigatory material could alert a violator to the need to temporarily postpone commission of the violation or to change the intended point where the violation is to be committed so as to avoid detection or apprehension. Further, access to investigatory material would disclose investigative techniques and procedures which, if known, could enable violators to structure their future operations in such a way as to avoid detection or apprehension, thereby neutralizing

investigators' established and effective investigative tools and procedures. In addition, investigatory material may contain the identity of a confidential source of information or other informer who would not want his/her identity to be disclosed for reasons of personal privacy or for fear of reprisal at the hands of the individual about whom he/she supplied information. In some cases mere disclosure of the information provided by an informer would reveal the identity of the informer either through the process of elimination or by virtue of the nature of the information supplied. If informers cannot be assured that their identities (as sources for information) will remain confidential, they would be very reluctant in the future to provide information pertaining to violations of criminal and civil laws and regulations, and this would seriously compromise the ability of the Federal Emergency Management Agency to carry out its mission. Further, application of 5 U.S.C. 552a (d)(1), (e)(4)(H) and (f)(2), (3) and (5) to the above-listed systems of records would make available attorney's work product and other documents which contain evaluations, recommendations, and discussions of on-going civil and criminal legal proceedings; the availability of such documents could have a chilling effect on the free flow of information and ideas within the Federal Emergency Management Agency which is vital to the agency's predecisional deliberative process, could seriously prejudice the agency's or the Government's position in a civil or criminal litigation, and could result in the disclosure of investigatory material which should not be disclosed for the reasons stated above. It is the belief of the Federal Emergency Management Agency that, in both civil actions and criminal prosecutions, due process will assure that individuals have a reasonable opportunity to learn of the existence of, and to challenge, investigatory records and related materials which are to be used in legal proceedings.

(iii) 5 U.S.C. 552a (d)(2), (3) and (4), (e)(4)(H) and (f)(4) which are dependent upon access having been granted to records pursuant to the provisions cited in paragraph (b)(2)(ii) of this section, enable individuals to contest (seek amendment to) the content of records contained in a system of records and require an agency to note an amended record and to provide a copy of an individual's statement (of disagreement with the agency's refusal to amend a record) to persons or other agencies to whom the record has been disclosed.

The Federal Emergency Management Agency believes that the reasons set forth in paragraphs (b)(2)(i) of this section are equally applicable to this subparagraph, and, accordingly, those reasons are hereby incorporated herein by reference.

(iv) 5 U.S.C. 552a(c)(3) requires that an agency make accountings of disclosures of records available to individuals named in the records at their request; such accountings must state the date, nature, and purpose of each disclosure of a record and the name and address of the recipient. The Federal Emergency Management Agency believes that application of this provision to the above-listed systems of records would impair the ability of the Federal Emergency Management Agency and other law enforcement agencies to conduct investigations and inquiries into civil and criminal violations under their respective jurisdictions. Making accountings available to violators would alert those individuals to the fact that the Federal Emergency Management Agency or another law enforcement authority is conducting an investigation or inquiry into their activities, and such accountings could reveal the geographic location of the investigation or inquiry, the nature and purpose of the investigation or inquiry and the nature of the information disclosed, and the date on which that investigation or inquiry was active. Violators possessing such knowledge would thereby be able to take appropriate measures to avoid detection or apprehension by altering their operations, transferring their activities to other locations or destroying or concealing evidence which would form the basis for prosecution or the imposition of civil sanctions.

(v) 5 U.S.C. 552a(e)(1) requires that an agency maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or executive order. The term "maintain" as defined in 5 U.S.C. 552a(a)(3) includes "collect" and "disseminate." At the time that information is collected by the Federal Emergency Management Agency there is often insufficient time to determine whether the information is relevant and necessary to accomplish a purpose of the Federal Emergency Management Agency; in many cases information collected may not be immediately susceptible to a determination of whether the information is relevant and necessary, particularly in the early stages of investigation or inquiry, and in many cases information which initially appears to be irrelevant or unnecessary

may, upon further evaluation or upon continuation of the investigation or inquiry, prove to have particular relevance to an enforcement program of the Federal Emergency Management Agency. Further, not all violations of law uncovered during a Federal Emergency Management Agency inquiry fall within the civil or criminal jurisdiction of the Federal Emergency Management Agency; in order to promote effective law enforcement, it often becomes necessary and desirable to disseminate information pertaining to such violations to other law enforcement agencies which have jurisdiction over the offense to which the information relates. The Federal Emergency Management Agency should not be placed in a position of having to ignore information relating to violations of law not within its jurisdiction when that information comes to the attention of the Federal Emergency Management Agency through the conduct of a lawful FEMA's civil or criminal investigation or inquiry. The Federal Emergency Management Agency therefore believes that it is appropriate to exempt the above-listed systems of records from the provisions of 5 U.S.C. 552a(e)(1).

(c) *Exempt under 5 U.S.C. 552a(k)(5).* The Director, Federal Emergency Management Agency has determined that certain systems of records are exempt from the requirements of (c)(3) and (d) of 5 U.S.C. 552a.

(1) *Exempt systems.* The following systems of records, which contain information of the type described in 5 U.S.C. 552a(k)(5), shall be exempted from the provisions of 5 U.S.C. 552a listed in paragraph (c) of this section.

Claims (litigation) (FEMA/GC-1)—Limited Access
FEMA Enforcement (Compliance) (FEMA/GC-2)—Limited Access
General Investigative Files (FEMA/IG-2)—Limited Access
Security Management Information Systems (FEMA/SEC-1)—Limited Access

(2) *Reasons for exemptions.* All information about individuals in these records that meet the criteria stated in 5 U.S.C. 552a(k)(5) is exempt from the requirements of 5 U.S.C. 552a (c)(3) and (d). These provisions of the Privacy Act relate to making accountings of disclosure available to the subject and access to and amendment of records. These exemptions are claimed because the system of records entitled, FEMA/SEC-1, Security Management Information System, contains investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for access to classified information or

classified Federal contracts, but only to the extent that the disclosure would reveal the identity of a source who furnished information to the Government under an express promise or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. During the litigation process and investigations, it is possible that certain records from the system of records entitled, FEMA/SEC-1, Security

Management System may be necessary and relevant to the litigation or investigation and included in these systems of records. To the extent that this occurs, the Director, FEMA, has determined that the records would also be exempted from subsections (c)(3) and (d) pursuant to 5 U.S.C. 552a(k)(5) to protect such records. A determination will be made at the time of the request for a record concerning whether specific information would reveal the identity of

a source. This exemption is required in order to protect the confidentiality of the sources of information compiled for the purpose of determining access to classified information. This confidentiality helps maintain the Government's continued access to information from persons who would otherwise refuse to give it.

[44 FR 50293, Aug. 27, 1979, as amended at 47 FR 54816, Dec. 6, 1982; 52 FR 5114, Feb. 19, 1987]

FEDERAL HOME LOAN BANK BOARD

Editorial note: The Financial Institutions Reform Act of 1989, Public Law 101-73, August 9, 1989, abolished the Federal Home Loan Bank Board.

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FHLBB—2

System name: Manpower/Budget System.

System location: Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552.

Categories of individuals covered by the system: All current employees of the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation.

Categories of records in the system: Individual employee records are kept by office and agency as follows: Name, title, awards, age, EOD date, service computation date, occupation series, social security number, grade, date of last within-grade raise, date of last promotion, within-grade due-date, and eligibility for promotion. Records are kept for each office (and, where appropriate, for the agency) on number of vacancies, authorized position ceilings, and number of employees.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To provide management with data on current employment, vacancies, and history of employees.

(2) For preparation of future personnel actions;

(3) For computerized budget projections for three fiscal years.

(4) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in nylon post-data folders.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Cut-off at end of fiscal year. Destroy two years after cut-off. Duplicate files: Destroy when superseded. Magnetic tapes: Cut-off at end of each month. Retain 12 months, then blank.

System manager(s) and address: Controller, Controller's Division; Director, Information Systems Division; Director, Personnel Management Office. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, date of birth, office of employment, period of employment, and name of record system.

Record access procedures: Persons wishing to have access to their records or to have their records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the same information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Personnel Records.

FHLBB—3

System name: Biographies and Photographs.

System location: Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552.

Categories of individuals covered by the system: Federal Home Loan Bank Board Chairman, Board members, Office Directors and key personnel; Federal Home Loan Bank Presidents; Federal Savings and Loan Insurance Corporation key personnel; Federal Savings and Loan Advisory Council members; Federal Home Loan Mortgage Corporation, and Amminet Executive Staff.

Categories of records in the system: Biographical Notes and Photographs.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Release for media use when the described individuals are invited to make addresses, are appointed to new positions, or leave through resignation, retirement, etc.

(2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in the file folders.

Retrievability: Records are filed by name of individual.

Safeguards: No safeguards are needed, since these records are available for public distribution.

Retention and disposal: Chairman Biography and Photo File: Permanent. Cut-off upon termination of appointment or resignation. Transfer to Federal Records Center 4 years after cut-off. Offer to National Archives 20 years after cut-off. All others: Cut-off at end of calendar year in which appointment, assignment, or employment is terminated. Destroy 6 months after cut-off.

System manager(s) and address: Director, Office of Communications. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager.

Record access procedures: Records may be obtained, changed, or updated by submission of material to the system manager.

Contesting record procedures: See "Access Procedures".

Record source categories: Information is submitted by the individuals whose records are maintained.

FHLBB—4

System name: Consumer Inquiry Records and Data.

System location: Consumer Affairs and Civil Rights Division, Office of Examinations and Supervision, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552.

Subsidiary:

Related information may be maintained in FHLBB and FHLBB Regional Offices' files.

Categories of individuals covered by the system: Persons who submit inquiries or complaints concerning regulated financial institutions, the deposits of which are insured by the FSLIC and other related corporations e.g.: Holding companies and service corporation.

Categories of records in the system: Inquiries and complaints, the nature of such inquiries or complaints, and information on the investigation and resolution of inquiries and complaints.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be disclosed to officials of savings and loan associations in connection with investigation of inquiries and complaints. Relevant referrals may be made to appropriate law enforcement agencies or authorities in connection with investigation and/or prosecution of alleged civil, criminal and administrative violations. Disclosures may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that

individual. Disclosures may also be made to the Federal Reserve Board, other Federal financial regulatory agencies, and the Congress or any of its authorized committees in fulfilling reporting requirements or assessing implementation of applicable laws and requirements. (Such disclosure will be made in a nonidentifiable manner when feasible and appropriate.) Referrals may also be made to other Federal and nonfederal governmental supervisory or regulatory authorities when the subject matter of a complaint or inquiry is more properly within such other agency's jurisdiction. Other disclosures are intra-agency only, including offices of Supervisory Agent.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, computer tape.

Retrievability: By individual name, complaint number or system identifier, or by savings and loan association name, district, complaint code, source code, disposition code; or by some combination thereof.

Safeguards: Maintained in secured offices.

Retention and disposal: Active Cases: Cut off at end of calendar year in which case is closed. Transfer to FRC 3 years after cut off.

Closed Cases: Cut off at end of 5th calendar year. Destroy 10 years after cut off.

System manager(s) and address: Director, as above.

Notification procedure: Director, as above.

Record access procedures: Director, as above.

Contesting record procedures: Director, as above.

Record source categories: Inquirer or complainant (or his or her representative, which may include, e.g., a member of Congress or an attorney); savings and loan association officials, employees and members; examiners and central files on savings and loan associations.

FHLBB—5

System name: Investigation files.

System location: Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552.

Categories of individuals covered by the system: Employees of the Bank Board under investigation and such other persons involved in Bank System and FSLIC operations.

Categories of records in the system: Files contain information concerning investigation of alleged irregularities in the operations of the Federal Home Loan Bank Board, the FSLIC, and FHLBs.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: 1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or other issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

2. A record from a system of records maintained by this agency may be disclosed as a routine use to a Federal, state, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from a system of records maintained by this agency may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision.

4. Disclosures may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents in file folders.

Retrievability: Filed by name of person under investigation and by case number.

Safeguards: Records are maintained in locked file cabinets in secured rooms with access limited to those persons whose duties, as approved by the Director, require access.

Retention and disposal: Retained in office for 1 year after administrative closing of file. Retained by Record Center for 14 additional years.

System manager(s) and address: Director, Office of Internal Evaluation and Compliance, 1700 G Street, NW, Washington, D.C. 20552.

Notification procedure: Inquiries concerning the records shall be made to the system manager.

Record access procedures: Persons wishing to have access to their records or to have such records changed or updated (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a brief resume or description of the information thought to be included in the record, a statement setting forth the desired access or changes, and the reasons for such changes.

Contesting record procedures: See access procedures.

Record source categories: Subject individuals, employees and officers of the Board and the FHLBB's, employees and officers of insured S&LA's, and borrowers and other persons having transactions with insured S&LA's.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(2) and (k)(5), all investigatory material in the record which meets the criteria of these sub-sections is exempt from the notice, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and section 505a.12 of the agency regulations in order for the Board's staff to perform its functions properly.

FHLBB—6

System name:

District Bank Officers' Biography File.

System location:

Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552

Categories of individuals covered by the system:

All Federal Home Loan Bank Officers.

Categories of records in the system:

Resumes and Appointment Histories, including salary information.

Authority for maintenance of the system:

5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(1) To provide general background information on Bank officers for use by the Director, Office of the District Banks and the Board. Information other than salary data is furnished to the public upon request.

(2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in filing cabinets in file folders.

Retrievability:

Records are filed by name of individual.

Safeguards:

Access to salary data is limited to personnel who have a need to know the information for a job-related purpose.

Retention and disposal:

Permanent. Cut-off upon retirement or separation of individual, and transfer to the Federal Records Center Offer to National Archives 5 years from date of cut-off.

System manager(s) and address:

Administrative Assistant (Elections), Office of the Federal Home Loan Banks. See "Location" for address.

Notification procedure:

Inquiries concerning the records shall be made to the system manager.

Record access procedures:

Persons wishing to have access to the records shall notify the system manager. Salary information is only available to the individual whose record is kept, and a request for such information must include the individual's name, date of birth, social security number, and

period of employment. Inquirers wishing to contest records may do so through the system manager.

Contesting record procedures:

See "Access Procedures".

Record source categories:

The individuals whose records are kept, and the Federal Home Loan Banks.

FHLBB—7

System name: District Bank Officer's Salary Cards.

System location: Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552

Categories of individuals covered by the system: All officers of Federal Home Loan Banks.

Categories of records in the system: Salary History.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) For determination of salary requirements and review of salary history by Director, Office of District Banks; Board members; Federal Home Loan Bank Presidents, and the Federal Reserve Board (upon request, the Federal Reserve Board is furnished salary information by position only).

(2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in a card file.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose. Access is granted by the Administrative Assistant (Elections), Office of the District Banks.

Retention and disposal: Cut-off and destroy 3 months after retirement or separation of individual.

System manager(s) and address: Administrative Assistant (Elections), Office of the District Banks. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Individuals inquiring about their own records must supply name, date of birth, social security number, and period of employment.

Record access procedures: Persons wishing to have access to the records shall notify the system manager, furnishing the information required under "Notification" in the case of individual requests. Individuals wishing to have their records changed (including modification, addition, or deletion) shall so notify the system manager, furnishing the information required under "Notification" and a statement of the desired changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Minutes of meetings of the Federal Home Loan Bank Board or of the Boards of Directors of the Federal Home Loan Banks.

FHLBB—9

System name: Candidates for Appointed Directorships of Federal Home Loan Banks.

System location: Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552.

Categories of individuals covered by the system: Candidates for appointed Directorships of Federal Home Loan Banks.

Categories of records in the system: Resumes of potential candidates, referral letters, and internal agency memoranda.

Authority for maintenance of the system: Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information is used by the Director of the Office of the District Banks and by Board members to determine qualifications and availability of candidates being considered as appointed Directors of Federal Home Loan Banks. Information from this system may be conveyed to the Presidents and staffs of the Regional Federal Home Loan Banks, and to the Executive Office of the President of the United States.

(2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry

from that office made at the request of the individual if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are filed by name of candidate.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information for a particular job-related purpose. Access is gained only through the Administrative Assistant (Elections), Office of the District Banks.

Retention and disposal: Cut-off when appointment is made. Appointed candidates: Transfer to Biographical File of Federal Home Loan Bank Directors. (FHLBB-11). Unsuccessful candidates: Destroy 3 years after cut-off.

System manager(s) and address: Administrative Assistant (Elections), Office of the District Banks. See "Location" for address.

Notification procedure: Inquiries concerning records shall be made to the system manager. Such notification must include the candidate's name and bank district.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition and deletion) shall notify the system manager, furnishing the information required under "Notification", plus a statement of desired access or change and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Potential Candidate; letters of reference for appointed Director; memoranda.

FHLBB—10

System name: Depositors/Account Holders in Defaulted Associations.

System location: See "System Manager".

Categories of individuals covered by the system: Every individual with an account in a defaulted association.

Categories of records in the system: Information pertaining to the account of an individual, including the type of account, account balance, rate of return and interest earned, insurance payment, and other information relating to savings accounts.

Authority for maintenance of the system: Secs. 402, 405 of the National Housing Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this record system may be disclosed:

(1) In connection with settlement of insurance claims against defaulted institutions insured by the Federal Savings and Loan Insurance Corporation, to representatives of the Corporation (including a private contractor assisting in insurance settlement activities by providing needed data processing or other services);

(2) For credit checks (consistent with the Fair Credit Reporting Act) by individuals, firms, or agencies wishing to verify an individual's financial standing;

(3) In the event that a system of records maintained by the Federal Savings and Loan Insurance Corporation to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, Local or Foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; and

(4) To Federal, State and Local authorities, if necessary for assessment, computation, and collection of Federal, State, and Local taxes in accordance with established procedures.

(5) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in lockable containers and on magnetic tape or other retrieval devices for use in computer systems.

Retrievability: Records are filed by a combination of name and account number.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Retain in office 10 years after payment of last claimed account, then destroy.

System manager(s) and address:

Director
Federal Savings and Loan Insurance Corporation
Federal Home Loan Bank Board
1700 G Street, NW
Washington, D.C. 20552

Receivership:

Economy Savings & Loan
2650 W. 51st St.
Chicago, Ill. 60632

Notification procedure: Inquiries concerning records shall be made to the applicable system manager, furnishing name of the individual, name of institution where account was held, account number, and the name of the record system.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the appropriate system manager. Such notification shall include the information required under "Notification", plus a statement setting forth the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

FHLBB—11

System name: Biographical File of Federal Home Loan Bank Directors.

System location: Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552

Categories of individuals covered by the system: Federal Home Loan Bank Directors who are appointed to their positions by the Federal Home Loan Bank Board or elected by the membership.

Categories of records in the system: Resumes.

Authority for maintenance of the system: 12 U.S.C. 1427.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To determine that directors are qualified and that Appointed Directors have no conflicts of interest;

(2) Users are members of the Federal Home Loan Bank Board, Presidents of the Federal Home Loan Banks, the Director of the Office of the District Banks, and upon request, the public.

(3) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are filed by name of individual.

Safeguards: No safeguards are needed, since these records are available for public distribution.

Retention and disposal: Permanent. Cut-off at end of term. Offer to National Archives 25 years after cut-off.

System manager(s) and address: Administrative Assistant (Elections), Office of the District Banks. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager.

Record access procedures: Persons desiring access to the records shall notify the system manager. Individuals wishing to update their files shall furnish name, date of birth, and social security number.

Contesting record procedures: See "Access Procedures".

Record source categories: Federal Home Bank directors and Bank Presidents.

FHLBB—12

System name: Payroll/Personnel.

System location: Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552.

Categories of individuals covered by the system: All current employees and all former employees whose employment terminated within the current calendar year.

Categories of records in the system: Information pertaining to (1) employee status, grade, salary, pay plan, hours worked, hours of leave taken and earned, hourly rate, gross pay, taxes, deductions, net

pay, location, and payroll history; and (2) employee residence, office, social security number, and address.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information contained in these records is available for intra-Agency use in determining current employment status of employees, history of Payroll/Personnel actions, bi-weekly gross pay, taxes, deductions, and net pay, total wages paid to date and deductions paid. (2) In the event that a system of records maintained by the Board to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, Local or Foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) A record from this system may be disclosed as a routine use to other Federal agencies and the Office of Personnel Management if necessary for or incident to the payment of salaries and expenses incident to employment at the Federal Home Loan Bank Board or other Federal employment, or the vesting, computation, and payment of retirement or disability benefits. (4) A record from this system may be disclosed to Federal, State, and Local authorities for reasons necessary and incident to the assessment, computation, and collection of Federal, State, and Local taxes, in accordance with established procedures. (5) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in computer banks, on magnetic tape, and in file folders.

Retrievability: Records are filed by name or social security number.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Computer records are retained until the end of the calendar year in which employment is terminated; Magnetic tapes are retained for one additional calendar year. Records in file folders are retained for 6 years.

System manager(s) and address: Director, Information Systems Division. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, date of birth, social security number, period of employment, and name of record system.

Record access procedures: Persons wishing to have access to the records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Personnel and financial records maintained by the agency.

FHLBB—14

System name: Asset Management System.

System location: See "System Manager".

Categories of individuals covered by the system: Individuals having loans with defaulted Associations, employees of such Associations, agents who manage property owned by or under the control of the Federal Savings and Loan Insurance Corporation, and persons who rent such property.

Categories of records in the system: Records of loans including applications, title insurance policies, financial statements, credit checks, income tax returns, notes, deeds of trust, insurance policies, appraisals, loan settlement statements, disclosures under Fair Credit Reporting Act and Regulation Z of the Board of Governors of the Federal Reserve, collection letters, correspondence and memoranda relating to the loan or property in question; records of rentals of FSLIC-owned or managed property, including tenants lists, rental

schedules, security deposit information, amounts in arrears, evictions, rental judgments and other related information.

Authority for maintenance of the system: Section 406 of the National Housing Act, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Records maintained in this system are used by Federal Savings and Loan Insurance Corporation personnel and its representatives in connection with management of assets of defaulted Associations and are made available in conformance with the Fair Credit Reporting Act to management agents for the Federal Savings and Loan Insurance Corporation, credit inquirers, and attorneys. (2) In the event that a system of records maintained by the Federal Savings and Loan Insurance Corporation to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether Federal, State, Local, or Foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (3) A record from this system may be disclosed as a routine use to Federal, State, and Local authorities if necessary and incident to the assessment, computation, and collection of Federal, State, and Local taxes in accordance with established procedures, or to the verification of an applicant's need for welfare benefits. (4) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in locked file cabinets, secured rooms, and computer secondary storage (off-line).

Retrievability: Records are filed by defaulting institution's account number.

Safeguards: Access is limited to persons whose duties required such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Records relating to loans are maintained for 10 years after repayment of the loan. Records relating to rental property are retained for 5 years. Records pertaining to sales of real estate are retained for 5 years after cash sale or 10 years after sale of properties financed by the Federal Savings and Loan Insurance Corporation. Magnetic tapes: (a) Receivership, Asset Management, and Property Management tapes are retained for 30 days, then blanked; (b) Bank tapes are retained for 90 days, then blanked; (c) Quarterly and year-to-date tapes are retained for 1 calendar year, then blanked.

System manager(s) and address: The business address of each system manager, unless otherwise indicated, is:

Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552, Director, Information Systems Division, Western Office Manager, Federal Savings and Loan Insurance Corporation

Receivership/Economy Savings & Loan, 2650 W. 51st St., Chicago, Ill. 60632

Notification procedure: Inquiries concerning records shall be made to the appropriate system manager. Notification must include name of individual, name of defaulted Association, and, where appropriate, account of loan number, property rented and period rented, Association where employed, period of employment, and employment capacity.

Record access procedures: Persons wishing to have access to the records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Defaulted Savings and Loan Associations; individuals whose records are maintained; credit bureaus; Federal Savings and Loan Insurance Corporation reports; Internal Revenue Service and other taxing authorities; title insurance companies; county officials, such as recorders; and individuals' employers, banks, and Savings and Loan Associations.

FHLBB-15

System name: Discrimination Complaint System.

System location: Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552

Categories of individuals covered by the system: Any current or former agency employee of applicant who files a formal complaint of discrimination based on race, color, religious, sex, national origin, or age.

Categories of records in the system: Formal complaints, Equal Employment Opportunity counselors' reports, investigative files, official proposals for resolution, hearing examiners files, Office of Personnel Management appeal files, civil actions (with attendant documentation).

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101; E.O. 11246.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Records maintained in this system are used to provide documentation of complaint procedures for both administrative and legal purposes, they are made available to the Equal Employment Opportunity officer and Equal Employment Opportunity staff, the parties involved in the complaint procedure and the Office of Personnel Management.

(2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, Local or Foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

(3) A record from this system may be disclosed to other Federal agencies for uses incident to employment of an individual by the Federal Government.

(4) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel who have a need to know the information in the record for a job-related purpose, and may be gained only through the Director of Equal Employment Opportunity or the Equal Employment Opportunity officer.

Retention and disposal: Destroy 4 years after final adjustment for cases resolved within the agency. Transfer other cases to the Office of Personnel Management. Cases resolved by the Commission of a U.S. Court are controlled by the Commission's records schedule. Duplicate copies: Destroy 1 year after resolution of a case.

System manager(s) and address: Equal Employment Opportunity officer. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, date of birth, period of employment and office of employment (including location), and name of record system.

Record access procedures: Persons wishing to have access to the records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Equal Employment Opportunity officer, personnel investigations, the complaint.

FHLBB-17

System name: Payroll.

System location: See "System Manager".

Categories of individuals covered by the system: All present employees of the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation (FSLIC), and persons whose employment with the Board, the Corporation, or an FSLIC receivership has been terminated less than 3 years.

Categories of records in the system: Personnel actions (SF50), State, employees' withholding exemption certificates. Federal employees' withholding allowance certificates (W4), Bond Allotment File

(SF1192), Federal Employee's Group Life Insurance (SF 2810 & 2811), Savings Allotment-Financial Institutions, Address File (FHLBB Form 108), Union Dues Allotment, time and attendance reports, and individual retirement records (SF 2806); similar information is required for receivership employees.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information contained in records in this system is provided to payroll clerks, technicians and payroll supervisors for preparation of payroll and necessary related reports and to maintain proper records of salary changes for determining retirement benefits.

(2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, Local or Foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(3) A record from this system may be disclosed to Federal, State, and Local authorities for reasons necessary and incident to the assessment, computation, and collection of Federal, State, and Local taxes, in accordance with established procedures.

(4) A record from this system may be disclosed as a routine use to other Federal agencies for reasons necessary for the payment of salaries and expenses incident to employment at the Federal Home Loan Bank Board.

(5) A record from this system may be disclosed as a routine use to other Federal agencies for reasons necessary for the vesting, computation and payment of any retirement or disability benefits.

(6) A record from this system may also be disclosed to other Federal agencies for all reasons necessary and incident to employment by the Federal Government.

(7) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders in locked file cabinets and on magnetic tape or other retrieval devices for use in computer systems.

Retrievability: Records are filed by office and by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Records are retained at the agency for 3 years after termination of employment. Certain categories of records in the system are then transferred to the Federal Records Center in St. Louis, Missouri. Other categories of records remain in the agency. Disposal of the records varies between 3 years after termination of employment and 56 years after the date of the last action. Magnetic tapes: Cut-off at the end of each pay period. Retain for 26 pay periods, then blank. Receivership file records are retained for 3 years after dissolution of the receivership.

System manager(s) and address: The business address of each System Manager, unless otherwise indicated is:

Federal Home Loan Bank Board, 1700 G Street, NW,
Washington, D.C. 20552

Director, Accounting and Fiscal Operations, Controller's
Division, Director, Information Systems Division, Manager,
Scottsdale Office, Federal Savings and Loan Insurance
Corporation, Western Office Manager, Federal Savings and
Loan Insurance Corporation

Receivership Agent, Midwestern Office Receiverships, Federal
Savings and Loan Insurance Corporation

Receivership Manager, Northwest Guaranty Receivership,
Federal Savings and Loan Insurance Corporation

Notification procedure: Inquiries concerning the records shall be made to the appropriate system manager. Inquiries must include name, social security number, period and office of employment, date of birth, and name of record system.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the appropriate system manager.

Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: For the individual whose record is maintained, the sources are the staff of Personnel Management Office and the Controller's Division; and with regard to FSLIC receivership employees, officials of the receivership.

FHLBB-18

System name: Travel Records.

System location: Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552.

Categories of individuals covered by the system: All current employees of the Federal Home Loan Bank Board and Federal Savings and Loan Insurance Corporation and all former employees whose employment has been terminated less than 4 years, who travel or have traveled on official government business at government expenses.

Categories of records in the system: One copy of all travel vouchers submitted for reimbursement of travel-related expenses incurred on official government business for the Board of FSLIC, and other records or memoranda relating to travel advances and repayment.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To provide data for determining proper payment of each voucher submitted, and prompt repayment of travel advances to ensure that legal advance balances are maintained and that unused travel advances are repaid before termination of employment. The records are maintained as a part of the accounting records of the certifying officer of the Board.

(2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, Local or Foreign, charged with the responsibility of investigating or prosecuting such violation or charges with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

(3) A record from this system may be disclosed as a routine use to other Federal agencies for reasons necessary for the payment of salaries and expenses incident to employment at the Federal Home Loan Bank Board.

(4) A record from this system may be disclosed as a routine use to Federal, State, and local authorities if necessary for assessment, computation, and collection of Federal, State, and local taxes in accordance with recognized procedures.

(5) A record from this system may be disclosed as a routine use to other Federal agencies if necessary to determine the property of the travel expense.

(6) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders in lockable file cabinets, and on magnetic tape or other retrieval devices for use in computer systems.

Retrievability: Records are filed by office by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose, and application must be made to the Controller, Controller's Division.

Retention and disposal: Transfer to Inactive File at end of second fiscal year. Destroy 3 years after transfer.

System manager(s) and address: Controller, Controller's Division, Director, Information Systems Division. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, office of employment, and name of record system.

Record access procedures: Persons wishing to have access to the records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under

"Notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Employees whose records are maintained.

FHLBB—20

System name: Employee Locator File.

System location: Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552.

Categories of individuals covered by the system: All present employees of the FHLBB and persons whose employment has been terminated for less than 6 months.

Categories of records in the system: Employee's name, present address, telephone number, and the name, address, and telephone number of another person to notify in case of emergency.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Used to verify address of employee on employment forms.

(2) To contact designated persons in cases of emergency.

(3) To verify addresses of field employees for mailing vacancy announcements.

(4) Users are personnel liaison for each office of the Board, and Personnel Management Office employees.

(5) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on index cards.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know information in a record for a particular job-related purpose.

Retention and disposal: Cut-off and destroy when superseded or obsolete.

System manager(s) and address: Chief, Processing and Records Section, Personnel Management Office. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name and address of inquirer and name of record system.

Record access procedures: Persons wishing to have access to the records or to have such records changed or updated (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access-Procedures".

Record source categories: The individual whose record is being maintained.

FHLBB—23

[Reserved]

FHLBB—25

System name: Office of the Secretary, Card Files

System location: Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552

Categories of individuals covered by the system: Board members, officers and employees of the Board; directors, officers and counsel of Federal Home Loan Banks; agents of the Board; members of Federal Savings and Loan Advisory Council.

Categories of records in the system: Index to individuals referred to in Board resolutions and minute entries with regard to assignments, appointments, delegations, travel authorizations, resignations, reassignments, salaries as to those persons not under Civil Service schedules, and other Board actions.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) In addition to intra-agency use, the records in the system may be released upon request to such other Federal, State, and Local agencies and authorities which have an interest in establishing the authority, rights, and duties of the above listed individuals.

(2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, Local or Foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

(3) A record from this system may be disclosed as a routine use to other Federal agencies for reasons necessary and incident to employment by the Federal Government.

(4) Disclosure of information may be made to a congressional office from the record of an individual in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in a card index file, and/or on microfilm in a secured docket file area or locked file cabinets.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Hard Copy: Microfilm annually. Cut-off every 10 years. Destroy after microfilming at end of 10th year. Microfilm: Permanent. (a) Destroy microfilm upon completion of next annual microfilming, except, (b) Retain microfilm of 10th year filming permanently. Offer each 10th year microfilm to National Archives when no longer needed for administrative purposes.

System manager(s) and address: Secretary to the Board. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, period and office of employment, and name of record system.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement setting forth the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Resolutions and minutes of the Board and orders of the Chairman of the Board.

FHLBB—26

System name: Prospective Organizer of Federal Savings and Loan Association, File.

System location: Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552

Categories of individuals covered by the system: Principal individual on an application to organize a Federal Savings and Loan Association.

Categories of records in the system: Nonconfidential and confidential biographical and financial data forms submitted by the individual, credit checks, and FBI reports.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Intra-agency use as to confidential data:

(2) The nonconfidential biographical and financial data forms are publicly available under 5 U.S.C. 552.

(3) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from the office made at the request of the individual if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in a card index file and/or on microfilm in a secured docket file area or locked file cabinets.

Retrievability: Records are filed by name of individual.

Safeguards: Access to confidential data is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Hard Copy: Microfilm annually. Cut-off every 10 years. Destroy after microfilming at end of 10th year. Microfilm: Permanent. (a) Destroy microfilm upon completion of next annual microfilming, except (b) Retain microfilm of 10th year filming permanently. Offer each 10th year microfilm to National Archives when no longer needed for administrative purposes.

System manager(s) and address: Secretary to the Board. See "Location" for address. Director, Office of Industry Development. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, birth date, name and location of prospective association, and name of record system.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification" plus a statement of the desired access or changes and the reasons for such changes. Access to FBI reports must be requested from that agency.

Contesting record procedures: See "Access Procedures".

Record source categories: The individual whose report is maintained, credit reporting agencies, and the FBI reports.

FHLBB-27

System name: Suspensions File.

System location: Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552.

Categories of individuals covered by the system: Officers and Directors of Federally chartered Savings and Loan Associations and State chartered insured institutions.

Categories of records in the system: Official actions of the Board and documentation considered by the Board and documentation considered by the Board in suspending individuals from performance of functions at insured institutions pending the outcome of (1) formal removal procedures under Section 407 of the National Housing Act, or (2) criminal proceedings against the individual.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101; Section 407 of the National Housing Act; Section 5 (D) of the Home Owner's Loan Act of 1933, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Release of the Board action to the individual who is the subject of suspension proceedings, the institution with which he is associated, and the appropriate regional Federal Home Loan Bank, in some cases notices of suspension following an indictment are publicly released.

(2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in a card index file and/or on microfilm in a secured docket file area or locked file cabinets.

Retrievability: Records are filed by name of individual.

Safeguards: Access to notices of suspension which are not publicly released is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Hard Copy: Microfilm annually. Cut-off every 10th year. Destroy after microfilming at end of 10th year. Microfilm: Permanent. (a) Destroy microfilm upon completion of next annual microfilming, except (b) retain microfilm of 10th year filming permanently. Offer each 10th year microfilm to National Archives when no longer needed for administrative purposes.

System manager(s) and address: Secretary to the Board. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. The notification shall contain sufficient information to establish the identity of the individual involved, including name, institutional association, and approximate date of Board action.

Record access procedures: Persons wishing to have access to the records shall notify the system manager. Such notification shall include the information required to be furnished under "Notification" plus a statement of the desired access or changes and the reason for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Official actions of the Board.

FHLBB-28

System name: Removal and Prohibitions File.

System location: Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552.

Categories of individuals covered by the system: Officers and directors of Federally chartered Savings and Loan Associations and State chartered insured institutions.

Categories of records in the system: Resolutions and orders of the Board and documentation considered by the Board in removing individuals from positions with insured institutions and prohibiting their future activity in the affairs of said institutions.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101; Section 407 of the National Housing Act; Section 3(D) of the Home Owners' Loan Act of 1933, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Release of the Board action to the individual who is the subject of the proceedings, the insured institution with which he was associated, and the regional Federal Home Loan Banks.

(2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in a card index file and/or on microfilm in a secured docket file area or locked file cabinets.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Hard Copy: Microfilm annually. Cut-off every 10 years. Destroy after microfilming at end of 10th year. Microfilm: Permanent. (a) Destroy microfilm upon completion of next annual microfilming, except (b) retain microfilm of 10th year filming permanently. Offer each 10th year microfilm to National Archives when no longer needed for administrative purposes.

System manager(s) and address: Secretary to the Board. See "Location" for address. Director, Compliance Division, Office of the General Counsel. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the Secretary to the Board. The notification shall contain sufficient information to establish the identity of the individual involved in the proceedings, including institutional association, and approximate date of Board action.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the Secretary to the Board. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Board resolutions and minute entries.

FHLBB-29

System name:

Confidential Individual Information System.

System location:

Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552.

Categories of individuals covered by the system:

These records may contain information concerning individuals who have filed notices of intention to acquire control of an insured institution, controlling persons of companies that have filed applications seeking FSILIC insurance of accounts or federal charters, individuals who have been the subject of administrative enforcement actions or other civil actions by any agency with authority to supervise or regulate federally insured financial institutions, those who have been named in criminal referrals by such agencies or by federally insured institutions or who have been referred to professional societies, licensing authorities or ethics committees for disciplinary purposes, individuals identified as the subjects of criminal investigations by the Department of Justice or state law enforcement authorities in connection with the operation of federally insured financial

institutions, and persons engaging in significant business transactions with FSLIC-insured institutions. This system also contains the identity of the custodian of any documents describing the specific event causing entry into the system.

Categories of records in the system:

The records identify the individual involved and his relationship to the institution, service corporation or holding company; the event causing entry of information into the system (e.g., a change-of-control filing, an enforcement action, a criminal referral naming an individual or a referral of information to a professional group for disciplinary action, or receipt of information concerning a criminal or civil violation involving an insured institution); any regulatory or judicial action taken as a result; and the location and nature of any additional records concerning the specific event.

Authority for maintenance of the system:

12 U.S.C. 1464 and 1730.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(a) To provide the Board's Office of Regulatory Policy, Oversight and Supervision ("ORPOS") and Office of Enforcement ("Enforcement") and the Federal Home Loan Banks with information concerning the current status of suspected criminal violations in connection with institutions the accounts of which are insured by the FSLIC, their holding companies, and service corporations, which have been referred to the Department of Justice or other law enforcement agencies for possible investigation and prosecution.

(b) To provide information to government agencies that supervise or regulate any of the operations of financial institutions concerning whether persons connected with these institutions have been the subject of administrative or civil enforcement actions.

(c) To provide information concerning a violation or potential violation of civil or criminal law, rule, order or regulation to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or implementing the statute, rule regulation, or order.

(d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

(e) To respond to requests from the Congress.

(f) To provide information to the Office of General Counsel ("OGC"), ORPOS and the Federal Home Loan Banks concerning groups or individuals applying for permission to organize a Federal association and/or making de novo applications for FSLIC insurance and the officers and directors of those proposed institutions, and concerning officers and directors of existing financial institutions applying for FSLIC insurance for use in considering those applications.

(g) To provide information to OGC, ORPOS, Enforcement, and the Federal Home Loan Banks concerning persons who have filed notices of intention to acquire control of insured institutions and controlling persons of companies filing applications to acquire control of insured institutions to determine if any agency action is required.

(h) To provide information (1) to ORPOS, Enforcement and the Federal Home Loan Banks' examining and supervisory staffs with regard to persons transacting business with or for savings institutions in connection with the Board's examination and supervision of insured institutions, service corporations and savings and loan holding companies, and (2) to persons designated by the Board as representatives of the Corporation to conduct investigations of insured institutions, their service corporations, or their holding companies.

(i) To provide information to receivers or conservators of insured institutions or formerly insured institutions for use in determining the background and reliability of persons with whom they are considering entering into transactions or with whom the institution previously has entered into transactions.

(j) To provide information to OGC, Enforcement and persons representing the Board in legal matters, and to other persons having access to legal papers connected with such matters.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained on fixed disks.

Retrievability:

Records are retrievable by name of individual or by the individual's relationship to the insured institution involved.

Safeguards:

Access to the system will be available only to Board employees and agents who have been issued the system passwords, which will be revealed only to those persons who have need for information from the system in the performance of their duties.

Retention and disposal:

Records will be retained for up to 25 years after the date of entry. Records will then be sent to the Federal Records Center.

System manager(s) and address:

Database Administrator, Office of Regulatory Policy Oversight and Supervision, 900 Nineteenth Street NW, Washington, DC 20006.

Notification procedure:

This system will be exempt from notification and record-access requirements and requirements that an individual be permitted to contest its content under 5 U.S.C. 552a(k)(2) because it contains investigatory material compiled for law enforcement purposes.

Record access procedures:

See Notification procedures.

Contesting record procedures:

See Notification procedures.

Record source categories:

This system will be exempt under 5 U.S.C. 552a(k)(2) from the requirement that the sources of records used in the system be published, because it contains investigatory material compiled for law enforcement purposes.

Title 12-Banks and Banking**Chapter V-Federal Home Loan Bank Board**

Editorial note: The Financial Institutions Reform Act of 1989, Public Law 101-73,

August 9, 1989, abolished the Federal Home Loan Bank Board. At 54 FR 49411, Nov. 30, 1989, Ch. V was revised. The Privacy Act regulations formerly appearing at 12 CFR part 505a have been substantially superseded because the Thrift Supervision Office, as a

component part of the Treasury Department, is covered by the regulations appearing at 31 CFR part 1, subpart C. 31 CFR part 503 contains the Thrift Supervision Office's specific regulations in this area.

FEDERAL HOME LOAN MORTGAGE CORPORATION

FHLMC-I

System name: Corporate Employee Files.

System location: Department of Human Resources, Federal Home Loan Mortgage Corporation, 1776 "G" Street NW, P.O. Box 37248, Washington, D.C. 20013; Office of Regional Vice President-Administration, Northeast Regional Office, 2001 Jefferson Davis Highway, Arlington, Virginia 22202; Office of Regional Vice President-Administration, Atlanta Regional Office, Peachtree Center-Cain Tower Building, 229 Peachtree Street NE, Suite 2600, Atlanta, Georgia 30303; Office of Regional Vice President-Administration, Chicago Regional Office, 111 East Wacker Drive, Suite 1515, Chicago, Illinois 60601; Office of Regional Vice President-Administration, Dallas Regional Office, 12700 Park Central Place, Suite 1800, Dallas, Texas 75251; Office of Regional Vice President-Administration, Los Angeles Regional Office, 3435 Wilshire Blvd., Suite 1000, Los Angeles, California 90010; Office of Underwriting Office Manager, Denver Underwriting Office, 8000 East Prentice, Creek Side Office Complex, Building B-7, Englewood, Colorado 80111; Office of Underwriting Office Manager, Seattle Underwriting Office, 600 Stewart Street, Suite 1315, Seattle, Washington 98101; Office of Underwriting Office Manager, San Francisco Underwriting Office, 600 California Street, San Francisco, California 94108; Office of Underwriting Office Manager, Newport Beach Underwriting Office, 4000 MacArthur Blvd., Suite 4700, Newport Beach, California 92660.

Categories of individuals covered by the system: All present and former employees.

Categories of records in the system: Employment applications and/or resumes, forms recording personnel actions, employee evaluations, memos for the record and other routine personnel information on identified individuals.

Authority for maintenance of the system: 12 U.S.C. Section 1452(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to provide data in determining current employment status of employee, history of personnel actions, evaluation of performance and to assist in determining what, when and whether future personnel actions should be taken. Users are the Department of Human Resources, the Office of the Regional Vice President-Administration (in the case of Regional Office employees), the Office of the Underwriting Office Manager (in the case of Underwriting Office employees), supervisory personnel at levels above the employee on whom the record is maintained and the employee himself. These records also may be reviewed by the Legal Department in connection with certain personnel actions, and by the Internal Auditor and his staff.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy records.

Retrievability: By employee name.

Safeguards: Records are stored in locked cabinets and can only be viewed upon request to the Director of Personnel Administration, in the Washington Office, to the Regional Vice President-Administration in the appropriate Regional Office, and to the Underwriting Office Manager in the appropriate Underwriting Office.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Director of Personnel Administration, Federal Home Loan Mortgage Corporation, 1776 "G" Street NW, P.O. Box 37248, Washington, D.C. 20013; Office of the Regional Vice President-Administration in each Regional Office (see address above); Office of the Underwriting Office Manager in each Underwriting Office (see address above).

Notification procedure: Inquiries as to whether a system of records contains a record pertaining to an individual shall be addressed to the system manager, in writing, and must include the name, address and social security number and the office of employment, of the individual making the inquiry, and the name of the record system.

Record access procedures: Requests for access to records shall be directed to the system manager, in writing, and must include the name, address and social security number and the office of employment, of the individual requesting access and the name of the record system. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: To contest the content of a record, notify the system manager in writing that a record is being contested, and identify the record system, include the name, address and social security number and the office of employment, of the individual

contesting the records and specify the information which is contested and the reason for the contest.

Record source categories: The individual on whom file is maintained, the supervisor, the Director of Personnel Administration, the Regional Vice President-Administration (in the case of Regional Office employees), and the Underwriting Office Manager (in the case of Underwriting Office employees).

FHLMC-II

System name: Corporate Employee Current Salary Cards.

System location: Finance Department, Federal Home Loan Mortgage Corporation, 1776 "G" Street NW, P.O. Box 37248, Washington, D.C. 20013.

Categories of individuals covered by the system: All present employees.

Categories of records in the system: Current salary, dependent status, number of tax exemptions, age and date of hire, and information regarding various types of deductions from salaries.

Authority for maintenance of the system: 12 U.S.C. 1452(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to make salary payments to employees, to calculate employee pensions, to make reports to the Internal Revenue Service and to provide information to the Corporation's insurance carriers in connection with the provision of insurance benefits to employees. Used by the Corporate Treasurer, the Supervisor of Accounts Payable, the Payroll Clerk, the Director of Personnel Administration and the Legal Department. These records also may be reviewed by the Internal Auditor and his staff.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy records.

Retrievability: By employee name.

Safeguards: Records are stored in locked card file and only can be obtained through Accounts Payable Supervisor.

Retention and disposal: Cards are destroyed as they become out of date or upon termination of employment.

System manager(s) and address: Supervisor of Accounts Payable, Federal Home Loan Mortgage Corporation, 1776 "G" Street NW, P.O. Box 37248, Washington, D.C. 20013.

Notification procedure: Inquiries as to whether a system of records contains a record pertaining to an individual shall be addressed to the system manager, in writing, and must include the name, address and social security number and the office of employment, of the individual making the inquiry, and the name of the record system.

Record access procedures: Requests for access to records shall be directed to the system manager, in writing, and must include the name, address and social security number and the office of employment, of the individual requesting access and the name of the record system. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: To contest the content of a record, notify the system manager in writing that a record is being contested, and identify the record system, include the name, address and social security number and the office of employment, of the individual contesting the records and specify the information which is contested and the reason for the contest.

Record source categories: Employee files.

FHLMC-III

System name: Potential Candidates for Employment.

System location: Department of Human Resources, Federal Home Loan Mortgage Corporation, 1776 "G" Street NW, P.O. Box 37248, Washington, D.C. 20013. Office of Regional Vice President-Administration in each Regional Office (see addresses above); Office of Underwriting Office Manager in each Underwriting Office (see addresses above).

Categories of individuals covered by the system: Potential candidates for employment.

Categories of records in the system: Employment applications, resumes, referral letters and memoranda relating to the application process.

Authority for maintenance of the system: 12 U.S.C. 1452(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to evaluate qualifications of potential candidates by the Director of Personnel Administration, the Regional Vice President-Administration (in the case of

candidates in a Regional Office), the Underwriting Office Manager (in the case of candidates in an Underwriting Office) and supervisors. These records also may be reviewed by the Internal Auditor and his staff.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy records are stored in file folders.

Retrievability: By candidate name.

Safeguards: Access is gained through a request to the Director of Personnel Administration, to the Regional Vice President-Administration in the appropriate Regional Office or to the Underwriting Office Manager in the appropriate Underwriting Office.

Retention and disposal: Files are retained for one year and destroyed unless candidate is hired. If candidate is hired, file becomes part of employee records.

System manager(s) and address: Director of Personnel Administration, Federal Home Loan Mortgage Corporation, 1776 "G" Street NW, P.O. Box 37248, Washington, D.C. 20013; Office of Regional Vice President-Administration in each Regional Office (see address above); Office of Underwriting Office Manager in each Underwriting Office (see address above).

Notification procedure: Inquiries as to whether a system of records contains a record pertaining to an individual shall be addressed to the system manager, in writing, and must include the name, address and social security number and the office of employment, of the individual making the inquiry, and the name of the record system.

Record access procedures: Requests for access to records shall be directed to the system manager, in writing, and must include the name, address and social security number and the office of employment, of the individual requesting access and the name of the record system. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: To contest the content of a record, notify the Legal Department in writing that a record is being contested, and identify the record system, include the name, address and social security number and the office of employment, of the individual contesting the records and specify the information which is contested and the reason for the contest.

Record source categories: These records are normally submitted by the individual seeking employment. Some records could come from individuals or employment agencies sponsoring the applications.

FHLMC-IV

System name: Corporate Employee Conflict-of-Interest Files.

System location: Legal Department, Federal Home Loan Mortgage Corporation, 1776 "G" Street NW, P.O. Box 37248, Washington, D.C. 20013.

Categories of individuals covered by the system: All present and former employees.

Categories of records in the system: Annual conflict of interest statements submitted by employees, and memoranda concerning such annual statements.

Authority for maintenance of the system: 12 U.S.C. 1452(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to provide data to determine if employee has any interest which conflicts with proper performance of duties with the Corporation. Users are the Legal Department. In instances where personnel action may be warranted, users also may include supervisory personnel at levels above the employees on whom the record is maintained and the Department of Human Resources. These records also may be reviewed by the Internal Auditor and his staff.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy records.

Retrievability: By employee name.

Safeguards: Records can only be viewed upon request to the General Counsel.

Retention and disposal:

Records are retained indefinitely.

System manager(s) and address: General Counsel, Federal Home Loan Mortgage Corporation, 1776 "G" Street NW, P.O. Box 37248, Washington, D.C. 20013.

Notification procedure: Inquiries as to whether a system of records contains a record pertaining to an individual shall be addressed to the system manager, in writing, and must include the name, address and

social security number and the office of employment, of the individual making the inquiry, and the name of the record system.

Record access procedures: Requests for access to records shall be directed to the system manager, in writing, and must include the name, address and social security number and the office of employment, of the individual requesting access and the name of the record system. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: To contest the content of a record, notify the system manager in writing that a record is being contested, and identify the record system, include the name, address and social security number and the office of employment, of the individual contesting the records and specify the information which is contested and the reason for the contest.

Record source categories: The individual on whom the file is maintained, and, in some instances, members of the Legal Department and supervisory personnel above the level of the employee on whom the record is maintained.

FHLMC-V

System name: Net Yield Debt System.

System location: Department of Marketing, Department of Accounting, and Department of Systems, Federal Home Loan Mortgage Corporation, 1776 "G" Street N.W., P.O. Box 37248, Washington, D.C. 20013.

Categories of individuals covered by the system: All present and former holders of Federal Home Loan Mortgage Corporation Participation Certificates.

Categories of records in the system: The list of registered holders of Participation Certificates, the monthly payment record, and copies of remittance checks.

Authority for maintenance of the system: 12 U.S.C. 1452(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to make monthly remittances to investors, to make reports to the Internal Revenue Service, and to derive a Registered Holder Profile, which is used for statistical purposes by the Marketing Department and which has, in the past, been provided to the Federal Reserve. (While the list of holders is used to derive the Registered Holder Profile, the profile itself identifies holders by category only, and not by name, and therefore does not constitute a part of a record system.) A copy of the list of holders is provided each month to Loan Accounting, which is responsible for determining the dollar amounts of the checks to the holders, and to Accounts Payable, which is responsible for mailing the checks. Users are the Marketing, Accounting, and Systems Departments. These records may also be revised by the Internal Auditor and his staff. Upon request of a subsequent holder of Mortgage Participation Certificate, the Corporation may release the names and addresses of previous owners of that security in order to assure the proper allocation of principal and interest payments among holders.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Investor lists and monthly payment records are hard copy. Copies of remittance checks are on microfilm.

Retrievability: By investor name.

Safeguards: Only members of the Loan Accounting and Accounts Payable Departments and those members of the Marketing Department who work in processing have access to the investor lists and monthly payment records. Access to remittance checks records may be obtained only through a request to the Director of Processing, Marketing Division.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Director of Processing, Director of Sales Accounting, Supervisor of Accounts Payable, and Director of Systems Department, Federal Home Loan Mortgage Corporation, 1776 "G" Street NW, P.O. Box 37248, Washington, D.C. 20013.

Notification procedure: Inquiries whether a system of records contains a record pertaining to an individual shall be addressed to the system manager, in writing, and must include the name, address, and social security number of the individual making the inquiry, and the name of the record system.

Record access procedures: Requests for access to records shall be directed to the system manager, in writing and must include the name, address, and social security number of the individual requesting access and the name of the record system. The request should also reasonably specify the record contents being sought.

Contesting record procedures: To contest the content of a record, notify the system manager in writing that a record is being contested, and identify the record system. Include the name, address, and social security number of the individual contesting the records, and specify the information that is contested and the reason for the contest.

Record source categories: The individual from whom the information is obtained.

FHLMC-VI

System name: Corporate Employee Garnishments.

System location: Legal Department and Department of Accounting, Federal Home Loan Mortgage Corporation, 1776 "G" Street NW, P.O. Box 37248, Washington, D.C. 20013.

Categories of individuals covered by the system: Employees and former employees whose salaries are or have been subject to an order of garnishment.

Categories of records in the system: The garnishment order served on the Corporation, internal memoranda indicating the manner in which the deductions from salary are to be made and the records of deductions which have been made.

Authority for maintenance of the system: 12 U.S.C. 1452(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the Legal Department to determine and advise Accounts Payable as to the amount to be deducted from each payroll check. Accounts Payable uses this information in making salary payments to employees. Users are the Legal Department, the Supervisor of Accounts Payable, the Payroll Clerk and the Director of Personnel Administration. These records may also be reviewed by the Internal Auditor and his staff.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy records are stored in file folders.

Retrievability: By employee name.

Safeguards: Access gained through a request to the General Counsel.

Retention and disposal: Records are stored indefinitely.

System manager(s) and address: General Counsel and Supervisor of Accounts Payable, Federal Home Loan Mortgage Corporation, 1776 "G" Street NW, P.O. Box 37248, Washington, D.C. 20013.

Notification procedure: Inquiries as to whether a system of records contains a record pertaining to an individual shall be addressed to the system manager, in writing, and must include the name, address and social security number and the office of employment, of the individual making the inquiry, and the name of the record system.

Record access procedures: Requests for access to records shall be directed to the system manager, in writing, and must include the name, address and social security number and the office of employment, of the individual requesting access and the name of the record system. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: To contest the content of a record, notify the system manager in writing that a record is being contested, and identify the record system, include the name, address and social security number and the office of employment, of the individual contesting the records and specify the information which is contested and the reason for the contest.

Record source categories: Court issuing the order of garnishment, the Legal Department, Supervisor of Accounts Payable and the Payroll Clerk.

FHLMC-VII

System name: Discrimination Complaint Files.

System location: System location:

Legal Department, Federal Home Loan Mortgage Corporation, 1776 "G" Street NW, P.O. Box 37248, Washington, D.C. 20013.

Categories of individuals covered by the system: Employees, former employees and applicants who have filed formal complaints of discrimination against the Corporation.

Categories of records in the system: Formal complaints, Equal Employment Opportunity Counselors' reports, investigative reports, proposals for disposition of the complaint, hearing examiners' files, and related memoranda and correspondence pertaining to the complaint.

Authority for maintenance of the system: 12 U.S.C. 1452(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used to provide documentation of complaint procedures for both administrative and legal purposes; they are used by the Legal Department, the Equal Employment Opportunity Director and his staff, the parties involved in the complaint procedure and the Equal Employment Opportunity Commission.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy records are stored in file folders.

Retrievability: By employee name or initials.

Safeguards: Access to records is limited to the Legal Department, the Equal Employment Opportunity Director and Counselor, and the Department of Human Resources.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Director, Equal Employment Opportunity, Federal Home Loan Mortgage Corporation, 1776 "G" Street NW, P.O. Box 37248, Washington, D.C. 20013.

Notification procedure: Inquiries as to whether a system of records contains a record pertaining to an individual shall be addressed to the system manager, in writing, and must include the name, address and social security number and the office of employment, of the individual making the inquiry, and the name of the record system.

Record access procedures: Requests for access to records shall be directed to the system manager, in writing, and must include the name, address and social security number and the office of employment, of the individual requesting access and the name of the record system. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: To contest the content of a record, notify the system manager in writing that a record is being contested, and identify the record system, include the name, address and social security number and the office of employment, of the individual contesting the records and specify the information which is contested and the reason for the contest.

Record source categories: The individual on whom the file is maintained, the Legal Department, the complaint investigator, the EEO Counselor, and the complaints examiner, as applicable.

Title 1-General Provisions

Chapter IV-Miscellaneous Agencies

PART 461—FEDERAL HOME LOAN MORTGAGE CORPORATION (PRIVACY ACT REGULATIONS)

Sec.

- 461.1 Introduction to part.
- 461.2 Purpose and scope.
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- 461.4 Records on individuals in a System of Records: Procedures for requesting information about such records and access thereto.
- 461.5 Procedures for identifying the individual making the request.
- 461.6 Disclosure of requested information to individuals.
- 461.7 Request for amendment to record.
- 461.8 Corporation review of request for correction or amendment of record.
- 461.9 Appeals of denial of request for correction or amendment of record.
- 461.10 Fees for providing copies of records.
- 461.11 Criminal penalties.

Authority: 5 U.S.C. 552a.

Source: 42 FR 64631, Dec. 27, 1977, unless otherwise noted.

§ 461.1 Introduction to part.

The Federal Home Loan Mortgage Corporation is a corporate instrumentality of the United States created by the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451-1459). To the extent required by applicable law, and to the extent appropriate under section 303(b) of the FHLMC Act, the Corporation may publish documents in the **Federal Register**. The materials in this part are presented in a form which will be codified for the sake of increasing their accessibility to the public.

§ 461.2 Purpose and scope.

(a) This part is issued by the Federal Home Loan Mortgage Corporation consistent with the requirements of the Privacy Act of 1974, section 552a of Title 5, United States Code, and establishes methods and procedures by which the Corporation implements that Act.

(b) The records covered by this part shall include all records contained in record systems maintained by the Corporation.

§ 461.3 Definitions.

The following definitions apply throughout this Part 461. The use of a word or term in the singular shall include the plural, and the use of the male gender shall include the female gender.

(a) The term "agency" has the meaning given to that term in 5 U.S.C. 551(1), and includes any executive department, military department, Government Corporation, Government

controlled corporation, or other establishment in the executive branch of the government (including the Executive Office of the President), or any independent regulatory agency.

(b) The term "Act" means the "Privacy Act of 1974," Pub. L. 93-579, 5 U.S.C. 552a.

(c) The term "Corporation" means the Federal Home Loan Mortgage Corporation.

(d) The term "individual" means a living person who is a citizen of the United States or an alien lawfully admitted for permanent residence. The parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual.

(e) The term "legal public holiday" means New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, and any other day appointed as a national holiday by the President or the Congress of the United States.

(f) The term "maintain" includes maintain, collect, use or disseminate.

(g) The term "records" means any item, collection, or grouping of information about an individual that is maintained by the Corporation in a system of records, or, if appropriate, another agency including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

(h) The term "system of records" means a group of any records under the control of the Corporation or, if appropriate, another agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individuals.

§ 461.4 Records on individuals in a System of Records: Procedures for requesting information about such records and access thereto.

(a) Any individual may request information regarding whether a system of records maintained by the Corporation contains any information pertaining to him, and may request access to his record or to any information pertaining to him that is contained in a system of records. All such requests shall be directed to the Director of Personnel, Federal Home

Loan Mortgage Corporation, 311 First Street, NW, Washington, D.C. 20001. The consideration by the Corporation of requests submitted by mail will be facilitated if the envelope in which the request is mailed has the words "PRIVACY ACT REQUEST" in capital letters on the front of it.

(b) A request for information about a record or for access to a record or to information pertaining to any individual that is contained in a system of records may be made by mail only.

(c)(1) Such a request shall be in writing and signed by the individual making the request and include: (i) The full name (including the middle name) of the individual seeking the information or records, his home address and telephone number, his business address and telephone number and (ii) a certified or authenticated copy of documents establishing parentage or legal guardianship, if appropriate.

(2) In addition, such a request should: (i) Specify the title of the system or records, which appears in the notice of systems published in the **Federal Register** by the Corporation, and (ii) describe the information sought or the time, place, or form of access, as appropriate.

(d) Any request not addressed and marked as specified in paragraph (a) of this section shall be forwarded immediately to the Director of Personnel. A request that is improperly addressed by an individual shall not have been "received" for purposes of measuring time periods in this section until actual receipt by the Director of Personnel. In each instance when a request so forwarded is received by the Director of Personnel, the individual making the request shall be notified that the request was improperly addressed and the date when the request was received by the Director of Personnel.

(e) When access to a record or information pertaining to the individual that is contained in a system of records is requested, the individual either will be notified in writing where and when he may obtain access to the records requested or, if further arrangements are required, will be given the name, address and telephone number of the person at the Corporation responsible for such arrangements.

(f) Assistance in preparing a request for information about a record or for access to a record or to information pertaining to the individual that is contained in a system of records may be obtained from the Director of Corporate Relations, Federal Home Loan Mortgage Corporation, 311 First Street, NW, Washington, D.C. 20001.

§ 461.5 Procedures for identifying the individual making the request.

(a) When a request for information about or for access to a record or to information pertaining to an individual that is contained in a system of records has been made pursuant to § 461.4, the Corporation shall require reasonable identification of the individual making the request before information will be given or access will be granted, to insure that information is given or records are disclosed only to the proper person.

(b) Subject to paragraphs (c) and (d) of this section, an individual making a request may establish his identity by including with his request a photograph of two identifying documents bearing his name and signature, one of which shall bear his current home or business address.

(c) If the Director of Personnel or other designated Corporation official determines that the information in the record is so sensitive that unauthorized access could cause harm or embarrassment to the individual whose record is involved, or if the individual making the request is unable to produce satisfactory evidence of identity under paragraph (b) of this section, the individual making the request may be required to submit such other proof of identity as the Director of Personnel deems satisfactory. Required proof of identity may include, but is not limited to, personal identification cards, employee identification cards, driver's license, Social Security number, knowledge of birthdate and relative's names, and signature comparisons. In order to request additional proof of identity under this subsection, the Director of Personnel must notify the individual that the proof provided pursuant to paragraph (b) of this section is inadequate not later than ten days (excluding Saturday, Sundays, and legal public holidays) after receipt of the individual's request.

§ 461.6 Disclosure of requested information to individuals.

(a) Each request for information about or for access to a record or to information pertaining to any individual that is contained in a system of records shall be acted upon promptly. Every effort will be made to respond within ten days (excluding Saturdays, Sundays, and legal public holidays) of the date of receipt of the request or receipt of satisfactory additional proof of identity. If a response cannot be made within ten days, the Corporation shall send an acknowledgment during that period providing information on the status of the request.

(b) Any individual who has requested access to a record or to information pertaining to him that is contained in a system of records, in the manner prescribed in § 461.4, and has identified himself as prescribed in § 461.5, shall be permitted to review the record or information and have a copy made of all or any portion thereof in a form comprehensible to him upon payment of the fee, if applicable, or copying services set forth in § 461.10, unless such information or access is denied on the grounds stated in paragraph (e) of this section. Upon the request of an individual, a person of the individual's own choosing may accompany him to review the record at the Corporation, but the individual shall first furnish to the Director of Personnel a written statement authorizing discussion of that individual's record in the accompanying person's presence.

(c) Where record of a document containing information about an individual also contains information not pertaining to him, the portion not pertaining to the individual shall not be disclosed, except to the extent the information is available to any person under the Freedom of Information Act.

(d) *Grant of access—(1) Notification.* An individual shall be provided information about or granted access to a record or information pertaining to him that is contained in the system of records, unless the request has been denied in accordance with paragraph (e) of this section. The Director of Personnel shall notify the individual of such determination and provide the following information:

- (i) Whether there is a record or information pertaining to him that is contained in a system of records;
- (ii) The methods of access, as set forth in paragraph (d)(2) of this section;
- (iii) The place at which the record or information may be inspected;
- (iv) The earliest date on which the record or information may be inspected and the period of time that the record or information will remain available for inspection. In no event shall the "earliest date" be later than thirty days (excluding Saturdays, Sundays and legal public holidays) from the date of notification;

(v) The estimated date by which a copy of the record could be mailed and the estimate of fees that would be charged to provide other than the first copy of the record, pursuant to § 461.10. In no event shall the "estimated date" be later than thirty days (excluding Saturdays, Sundays and legal public holidays) from the date of notification;

(vi) The fact that the individual, if he wishes, may be accompanied by another person during the in-person review of the record or information subject to the procedures set forth in paragraph (b) of this section; and,

(vii) Any additional requirements that must be satisfied in order to provide information about or to grant access to the requested record or information.

(2) *Methods of Access.* The following method of access to records or information pertaining to an individual that is contained in a system of records may be available to that individual depending on the circumstances of a particular request:

(i) Inspection in person may be had in the office by the Corporation during the regular business hours; and

(ii) The requested number of copies may be mailed at the request of the individual, subject to payment of the fees prescribed in § 461.10.

(e) *Initial denial of access—(1) Grounds.* A request by an individual for information about or access to a record or information pertaining to that individual that is contained in a system of records may be denied only upon a determination by the Director of Personnel that:

(i) The record is information compiled in reasonable anticipation of a civil action or proceeding; or

(ii) The individual unreasonably has failed to comply with the procedural requirements of this part.

(2) *Notification.* The Director of Personnel shall give written notice of the denial of a request for information about or access to records or information pertaining to the individual that is contained in a system of records, which notice shall include the following information:

(i) The Director of Personnel's title or position;

(ii) The date of the denial;

(iii) The reasons for the denial, including a citation to the appropriate section of the Act and this part; and

(iv) The individual's right to judicial review under 5 U.S.C. 552a(g)(1)(B), as limited by 5 U.S.C. 552a(g)(5).

§ 461.7 Request for amendment to record.

(a) If, after disclosure of the requested information, an individual believes that such record is not accurate, relevant, timely or complete, he may request in writing that the record be amended. Such a request shall be submitted by mail to the Director of Personnel, Federal Home Loan Mortgage Corporation, 311 First Street, NW, Washington, D.C. 20011. Each request shall contain identification of the record

system and the record or information therein, a brief description of the material requested to be changed, the requested change or changes, the reason for such change or changes, and any documentary evidence supporting the change.

(b) The Director of Personnel shall acknowledge receipt of a request for amendment within ten days (excluding Saturdays, Sundays, and legal public holidays). Such acknowledgment may contain a request for any additional information needed to make a determination.

(c) Any amendment request not addressed and mailed as specified in paragraph (a) of this section shall be forwarded immediately to the Director of Personnel. A request that is improperly addressed by an individual shall not have been "received" for purposes of measuring time periods in this section until actual receipt by the Director of Personnel. In each instance when a request so forwarded is received by the Director of Personnel, the individual making the request shall be notified that the request was improperly addressed and the date when the request was received by the Director of Personnel.

(d) Assistance in preparing a request to correct or amend a record may be obtained from the Director of Corporate Relations, Federal Home Loan Mortgage Corporation, 311 First Street, NW, Washington, D.C. 20001.

§ 461.8 Corporation review of request for correction or amendment of record.

(a) Within thirty days after acknowledging receipt of a request for amendment (excluding Saturdays, Sundays, and legal public holidays), or after receiving such further information as may have been requested by the Corporation, the Director of Personnel shall either:

(1) Make the requested correction or amendment and advise the individual in writing of such action, providing either a copy of the corrected or amended record, or a statement as to the means whereby the correction or amendment was accomplished in cases where a copy cannot be provided (for example, erasure of information from a record maintained only in an electronic data bank); or

(2) Inform the individual in writing that his request is denied and provide the following information:

- (i) The Director of Personnel's name and title and position;
- (ii) The date of the denial;
- (iii) The reasons for the denial, including a citation to the appropriate sections of the Act and this part; and

(iv) The procedures for appeal of the denial of a request for correction or amendment as set forth in § 461.9, including the name and address of the Corporation Office or official with the responsibility for considering appeals.

(3) If the Director of Personnel cannot make the determination within thirty days, the individual will be advised in writing of the reason therefor and of the estimated date by which the determination will be made.

(b) Whenever an individual's record is corrected or amended pursuant to a request by that individual, the Director of Personnel shall notify all persons and agencies to which the corrected or amended portion of the record had been disclosed prior to its correction or amendment, if an accounting of such disclosure required by the Act was made. The notification shall require a recipient agency maintaining the record to acknowledge receipt of the notification, to correct or amend the record and to apprise any agency or person to which it had disclosed the record of the substance of the correction or amendment.

§ 461.9 Appeals of denial of request for correction or amendment of record.

(a)(1) Any individual may appeal, to the Chairman of the Corporation's Board of Directors, the denial of a request made by him for correction or amendment of a record issued pursuant to § 461.7. The Chairman has delegated this function to the Corporation's Vice President—General Counsel, and a decision by the Vice President—General Counsel is a final decision by the Corporation.

(2) An appeal shall be filed within thirty days (excluding Saturdays, Sundays, and legal public holidays) after the service of the denial.

(b)(1) The appeal shall be in writing and shall be filed with the Vice President—General Counsel, Federal Home Loan Mortgage Corporation, 311 First Street NW, Washington, D.C. 20001.

(2) An appeal not addressed and marked as specified in paragraph (b)(1) of this section shall be forwarded immediately to the Vice President—General Counsel. An appeal that is not properly addressed by an individual shall not have been "received" for purposes of measuring the time periods in this section until actual receipt of the appeal by the Vice President—General Counsel. In each instance when an appeal so forwarded is received, the individual filing the appeal shall be notified that the appeal was improperly addressed and the date when the appeal

was received by the Vice President—General Counsel.

(c) *Content of appeal.* (1) The appeal shall include the following:

(i) A copy of the original request for correction or amendment;

(ii) A statement of the reasons why the initial denial is believed to be in error.

(2) The record requested to be corrected or amended will be supplied to the Vice President—General Counsel. While such record normally will comprise the entire record on appeal, the Vice President—General Counsel may seek such additional information as is necessary to assure that the final determination is fair and equitable and, in such instances, the additional information will be disclosed to the individual making the appeal and, consistent with the time periods provided in paragraph (e) of this section, an opportunity will be provided for comment thereon.

(d) No personal appearance or hearing on appeal will be allowed.

(e) The Vice President—General Counsel shall act upon the appeal and issue a final determination in writing no later than thirty days (excluding Saturdays, Sundays, and legal public holidays) from the date on which the appeal is received, unless the Vice President—General Counsel extends the period for good cause.

(f) If the appeal is granted, that determination shall include the specific corrections or amendments to be made and a copy thereof shall be transmitted promptly both to the individual and to the person who issued the initial denial. Upon receipt of that determination, such person shall take the actions set forth in § 461.8(b).

(g) If the appeal is denied, the final determination shall be transmitted promptly to the individual and shall state the reasons for the denial. The notice of that determination also shall be transmitted promptly to the individual and shall state the reasons for the denial. The notice of that determination also shall include the following information:

(1) The right of the individual to file with the Vice President—General Counsel a concise signed statement of reasons for disagreeing with the final determination, receipt of which statement shall be acknowledged by the Vice President—General Counsel;

(2) The fact that any such disagreement statement filed by the individual shall be noted in the disputed record and that a copy of the statement shall be provided by the Director of Personnel to persons and agencies to

which the record is disclosed subsequent to the date of receipt of such statement;

(3) The right of the individual to judicial review of the final determination under 5 U.S.C. 552a(g)(1)(A), as limited by 5 U.S.C. 552a(g)(5).

§ 461.10 Fees for providing copies of records.

(a) No fee will be charged to an individual for processing the request for,

searching for, or providing the first copy of, a record or any portion thereof contained in a record system if the record pertains to such individual.

(b) If an individual should desire multiple copies of a record pertaining to himself, he shall pay a fee of 10 cents per page for each page requested to be reproduced by the Corporation.

§ 461.11 Criminal penalties.

(a) The criminal penalties applicable to employees, officers, and agents of the

Corporation for actions which violate the Privacy Act of 1974 are set forth in 5 U.S.C. 552a(i).

(b) A person who falsely or fraudulently attempts to obtain records under the Act also may be subject to prosecution under such other criminal statutes as 18 U.S.C. 494, 495, and 1001.

FEDERAL LABOR RELATIONS AUTHORITY AND FEDERAL SERVICE IMPASSES PANEL

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FLRA/FSIP—1

System name: Personnel files on current, past, and prospective employees—FLRA/FSIP.

System location: Authority offices, 1900 E St., NW, Washington, DC 20415.

Categories of individuals covered by the system: Present and past employees and individuals who have submitted solicited or unsolicited applications for employment.

Categories of records in the system: Information regarding name; address; telephone number; marital status; birth date; Social Security Number, veteran preference; tenure; handicap; past and present salaries, grades, and position titles; letters of commendation, reprimand, charges, and decision on charges; locator files; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer, and separation; training files; records relating to life insurance, health benefits, and designation of beneficiary; performance ratings; awards; performance appraisals; letters of recommendation; emergency information; educational background; and special employment qualifications.

Authority for maintenance of the system: Executive Order 11491, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained the system is used by the Authority and Panel officials for purposes of review in connection with appointments, transfers, promotions, and determination of qualifications of an individual; to provide information to a Federal agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; to provide information to a prospective employer of a Authority or Panel employee or former Authority or Panel employee or to an organization at the request of the employee or former employee; and to provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on file folders.

Retrievability: Manual-indexed by name.

Safeguards: The system is primarily maintained in a locked, metal filing cabinet, the access combination to which is known only to authorized persons. Certain information, grade, and date of last promotion or within-grade step increase is maintained in limited-access files available only to authorized persons.

Retention and disposal: Records on current employees are retained in an active file during the course of an employee's employment with the Authority or Panel. Files on past employee's are retained in an inactive file. Other records in the system, such as applications for

employment, are periodically review and disposed of in accordance with established procedures.

System manager(s) and address:

Executive Director
Federal Labor Relations Authority
1900 E St., NW
Washington, DC 20415
Executive Secretary
Federal Service Impasses Panel
1900 E St., NW
Washington, DC 20415

Notification procedure: An individual may obtain notification as to whether the system of records contains a record pertaining to the individual by forwarding an inquiry to the Administrative Officer, Federal Labor Relations Authority, Room 7P56, 1900 E St., NW, Washington, DC 20415, or by appearing in person at the above address. See Authority and Panel regulations in 5 CFR 2402.4.

Record access procedures: See Authority and Panel regulations in 5 CFR 2402.5. Assistance in obtaining access the contents of records can be obtained from the Administrative Officer at the above address.

Contesting record procedures: The Authority's and Panel's rules for contesting contents of records, and for appealing adverse determinations with respect thereto, are contained in 5 CFR 2402.10 and 2402.13.

Record source categories: Subject individuals; former and/or present employers of subject individuals; and other person familiar with the individual.

FLRA/FSIP—2

System name: Travel records—FLRA/FSIP

System location: Authority office, 1900 E St., NW, Washington, DC 20415.

Categories of individuals covered by the system: Names of person who use Authority funds for travel.

Categories of records in the system: Contains the various records required to administer the travel requirements of the Authority and Panel, including all places to which travel was accomplished and the costs. Included on various travel forms is the home address of the traveling individual.

Authority for maintenance of the system: Executive Order 11491, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system of records is used for budgetary purposes and for reporting to Members of Congress and other agencies when appropriate.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in file folders.

Retrievability: Manual-indexed by name.

Safeguards: Access to and use of such records are limited to those persons whose official duties requires such access.

Retention and disposal: The records are maintained and disposed of in accordance with established procedures.

System manager(s) and address:

Executive Director
Federal Labor Relations Authority
1900 E St., NW
Executive Secretary
Federal Service Impasses Panel
1900 E St., NW
Washington, DC 20415

Notification procedure: An individual may obtain notification as to whether the system or records contains a record pertaining to the individual by forwarding an inquiry to the Administrative Officer, Federal Labor Relations Authority, Room 7P56, 1900 E St., NW, Washington, DC 20415, or by appearing in person at the above address. See Authority and Panel regulations in 5 CFR 2402.4.

Record access procedures: See Authority and Panel access regulations in 5 CFR 2402.5. Assistance in obtaining access to the contents of records can be obtained from the Administrative Officer at the above address.

Contesting record procedures: The Authority's and Panel's rules for contesting contents of records, and for appealing adverse determinations with respect thereto, are contained in 5 CFR 2402.10 and 13.

Record source categories: Information in this system of records comes from the individual to whom it applies.

FLRA/INTERNAL-1

System name: Employee Occupational Health Program Records.

System location: Office of Director of Personnel, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424.

Categories of individuals covered by the system: This system of records contains information relating to the Federal Labor Relations Authority's employees who have received health services under the Federal Employees Group Health Program.

Categories of records in the system: This system is comprised of records developed as a result of employee utilization of services provided under the Federal Labor Relations Authority's Occupational Health Program. These records contain the following information:

- Medical history and other biographical data on those individuals requesting employee health maintenance physical examinations.
- Test reports and medical diagnosis based on employee health maintenance physical examinations or health screening program tests (tests for single medical conditions or diseases).
- History of complaint, diagnosis, and treatment of injuries and illnesses cared for at the Health Unit.
- Vaccination Records.

Authority for maintenance of the system: 5 U.S.C. 7901, as further defined in OMB Circular No. A-72.

Purpose(s):

These records document employee utilization of health services provided under the Federal Labor Relations Authority's Occupational Health Program.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records may be used:

- To refer information required by applicable law to a Federal, State, or local public health service agency concerning individuals who have contracted certain communicable diseases or conditions. Such information is used to prevent further outbreak of the disease or condition.
- To disclose information to the appropriate Federal, State, or local agency responsible for investigation of an accident, disease, medical condition, or injury as required by pertinent legal authority.
- To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.
- To disclose information to the Office of Workers Compensation Programs in connection with a claim for benefits filed by an employee.
- To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.
- To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on cards and in folders.

Retrievability: These records are retrieved by the name of the individual on whom they are maintained.

Safeguards: These records are maintained in a secured room, with access limited to personnel whose duties require access.

Retention and disposal: Records are maintained up to six years from the date of the last entry. Employees are given records at request upon separation; otherwise records are burned approximately three months after separation.

System manager(s) and address: Director of Personnel, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424.

Notification procedure: Individuals wishing to inquire whether this system of records contains information about them should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

- Full name.
- Any former name.
- Date of birth.

Individuals making inquiries must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding the existence of records (5 CFR 2412.4).

Record access procedures: Individuals wishing to request access to their records should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

- Full name.

- Any former name.
- Date of birth.

Individuals requesting access must follow the Federal Labor Relations Authority's Privacy Act regulations regarding access to records (5 CFR 2412.5).

Contesting record procedures: Individuals wishing to request amendment of their records should contact the appropriate System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

- Full name.
- Any former name.
- Date of birth.

An individual requesting amendment must also follow the Federal Labor Relations Authority's Privacy Act regulations regarding amendment of records (5 CFR 2412.10).

Record source categories: Information in this system of records is provided by:

- The individual to whom the information pertains.
- Laboratory reports and tests results.
- The individual's co-workers or supervisors.
- The individual's personal physician.
- Other Federal employee health units.

FLRA/INTERNAL-2

System name: Appeal and Administrative Review Records.

System location: Office of Director of Personnel, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424.

Categories of individuals covered by the system: Current and former Federal Labor Relations Authority employees.

Categories of records in the system: This system contains records relating to various appeal or administrative review procedures available to Federal Labor Relations Authority employees. The system also contains records and documentation of the action upon which the appeal or review procedure was based (e.g., 90-day notices of warning of unsatisfactory performance rating).

Note.—This system does not include:

Appeal or complaint records covered by the Merit Systems Protection Board's system of Appeals Records.

Authority for maintenance of the system: 5 U.S.C. 1302, 3301, 3302, 4305, 5115, 5335, 7501, 7512, and Executive Order 10577.

Purpose(s):

These records are used to process the various appeals or administrative reviews available to Federal Labor Relations Authority employees.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records may be used:

- To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the Federal Labor Relations Authority becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.
- To disclose information to any source from which additional information is requested in the course of processing an appeal or administrative review procedure, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.
- To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
- To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.
- To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.
- By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.
- By the Office of Personnel Management in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for

related work-force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

h. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

i. To disclose information to officials of: The Merit Systems Protection Board (including the Office of the Special Counsel), or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders.

Retrievability: These records are retrieved by the names of the individuals on whom they are maintained.

Safeguards: These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

Retention and disposal: Adverse action appeals processed under the Federal Labor Relations Authority's internal appeals systems are retained for seven years after the closing of the case. Other records in the system are maintained for a maximum of four years after the closing of the case. Disposal is by shredding or burning.

System manager(s) and address: Director of Personnel, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424.

Notification procedure: Individuals involved in appeals and administrative review procedures are aware of that fact and have been provided access to the record. They may, however, contact the System Manager indicated above. They must furnish the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.
- c. Approximate date of closing of the case and kind of action taken.

Individuals making inquiries must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding the existence of records (5 CFR 2412.4).

Record access procedures: Individuals involved in appeals and administrative review procedures are aware of that fact and have been provided access to the record. However, after the action has been closed, an individual may request access to the official copy of an appeal or administrative review procedure record by contacting the System Manager. Individuals must provide the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.
- c. Approximate date of closing of case and kind of action taken.

Individuals requesting access must also follow the Federal Labor Relations Authority's Privacy Act regulations regarding access to records (5 CFR 2412.5).

Contesting record procedures: Review of requests from individuals seeking amendment of their records which have previously been or could have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these cases will be restricted to determining if the record accurately documents the action of the agency or administrative body ruling on the case and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment of their records to correct factual errors should contact the System Manager. Individuals must furnish the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.
- c. Approximate date of closing of the case and kind of action taken.

Individuals requesting amendment must also follow the Federal Labor Relations Authority's Privacy Act regulations regarding amendment of records (5 CFR 2412.10).

Record source categories: Information in this system of records is provided by:

- a. The individual to whom the records pertain.
- b. Federal Labor Relations Authority officials involved in the appeal or administrative procedure.
- c. Other official personnel records of the Federal Labor Relations Authority.

FLRA/INTERNAL-3

System name: Complaints and Inquiries Records.

System location: Office of Director of Personnel, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424.

Categories of individuals covered by the system: Current Federal Labor Relations Authority employees about whom complaints or inquiries have been received.

Categories of records in the system: This system contains information or correspondence concerning an individual's employment status or conduct while employed by the Federal Labor Relations Authority. Examples of these records include: Correspondence from Federal employees, Members of Congress, or members of the public alleging misconduct of a Federal Labor Relations Authority employee; miscellaneous debt correspondence received from creditors; and miscellaneous complaints not covered by the Federal Labor Relations Authority's formal or informal grievance procedures.

Authority for maintenance of the system: Executive Order 11222.

Purpose(s):

These records are used to take an action on or respond to a complaint or inquiry concerning an FLRA employee or to counsel the employee.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records may be used:

a. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the Federal Labor Relations Authority becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose of the request, and identify the type of information requested), where necessary to obtain information relevant to a Federal Labor Relations Authority decision concerning the hiring or retention of an employee, the issuance of a security clearance, conduct of a security or suitability investigation of an individual or classification of jobs.

c. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

d. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

e. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

f. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

2. To disclose information to officials of: The Merit Systems Protection Board (including the Office of the Special Counsel), the Equal Employment Opportunity Commission when requested in performances of their authorized duties.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders which are separate from the employee's Official Personnel Folder.

Retrievability: These records are retrieved by the name of the individual on whom they are maintained.

Safeguards: These records are located in lockable metal filing cabinets with access limited to personnel whose official duties require access.

Retention and disposal: These records are disposed of upon the transfer or separation of the employee or after 1 year, whichever is earlier. Disposal is by shredding or burning.

System manager(s) and address: Director of Personnel, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424.

Notification procedure: Federal Labor Relations Authority's employees wishing to inquire whether this system contains information about them should contact the System Manager. Individuals must furnish the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.

Individuals making inquiries must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding the existence of records (5 CFR 2412.4).

Record access procedures: Federal Labor Relations Authority's employees wishing to request access to their records should contact the System Manager. Individuals must furnish the following information for their records to be located and identified:

- a. Name
- b. Date of birth.

Individuals requesting access must also comply with Federal Labor Relations Authority's Privacy Act regulations regarding access to records (5 CFR 2412.5).

Contesting record procedures: Federal Labor Relations Authority's employees wishing to request amendment of their records should contact the System Manager. Individuals must furnish the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.

Individuals must also comply with the Federal Labor Relations Authority's Privacy Act regulations regarding amendment of records (5 CFR 2412.10).

Record source categories: Information in this system of records is provided by:

- a. The individual to whom the information pertains.
- b. Federal employees, Members of Congress, creditors, or members of the public who submitted the complaint or inquiry.
- c. Federal Labor Relations Authority's officials.
- d. Other sources from whom information was requested regarding the complaint or inquiry.

FLRA/INTERNAL-4

System name: Applicants for Employment Records.

System location: Office of Director of Personnel, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424 and Federal Labor Relations Authority's regional offices (see list of regional offices in the Appendix).

Categories of individuals covered by the system: Current and former applicants for employment with the Federal Labor Relations Authority.

Categories of records in the system: This system contains records relating to applicants to the Federal Labor Relations Authority. The records include information such as: The individual's education and training; employment history and earnings; Social Security Number; home address; legal residence; birth date; birthplace, honors, awards or fellowships; military service; veterans preference; convictions of offenses against the law; names of relatives employed in the Federal service; test records; date of application; qualification determinations; employment consideration; priority grouping; and other information or correspondence relating to the consideration of the individual for employment. This system includes any Federal Labor Relations Authority applicant supply files established for making appointments outside a register; appointments to the excepted service; or reassignments, promotions, reinstatements, or transfers of Federal employees into positions at the Federal Labor Relations Authority.

Note.—This system does not include recruiting and examining records on applicants for general Federal employment. Such records are covered by the OPM/GOVT-5 system.

Authority for maintenance of the system: 5 U.S.C. 1302, 3301, and 3302; and Executive Order 10577.

Purpose(s):

These records are used to consider applicants for employment with the Federal Labor Relations Authority. These records may also be used to locate individuals for personnel research.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records may be used:

- a. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the Federal Labor Relations Authority becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.
- b. To disclose information to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose of the request, and identify the type of information requested), where necessary to obtain information relevant to an Federal Labor Relations Authority decision concerning the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant or other benefit.

- c. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

- d. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

- e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

- f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

- g. By the Office of Personnel Management in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related workforce studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

- h. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

- i. In contacting persons named as references, and present or former supervisors, for purposes of commenting upon, rating or verifying information about past performance submitted as part of job application.

- j. To disclose information to officials of: The Merit Systems Protection Board (including the Office of the Special Counsel), or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders.

Retrievability: These records are retrieved by the names of the individuals on whom they are maintained.

Safeguards: These records are located in lockable metal filing cabinets or in secured rooms with access limited to those personnel whose official duties require access.

Retention and disposal: Applications from individuals who are selected for positions with the Federal Labor Relations Authority are placed on the permanent side of the employee's Official Personnel Folder. Applicant supply records maintained in accordance with Federal Personnel Manual Chapter 833 are disposed of after two years or after inspection of the Federal Labor Relations Authority's personnel program, whichever is earlier.

System manager(s) and address: Director of Personnel, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424.

Notification procedure: Individuals wishing to inquire whether this system contains information about them should contact the System Manager. Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Date of birth.

Individuals making inquiries must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding the existence of records (5 CFR 2412.4).

Record access procedures: Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 552a(d), regarding access to records. The section of the notice titled "Systems Exempted From Certain Provisions of the Act," which appears below, indicates the kinds of materials exempted and the reasons for exempting them from access. Individuals wishing to request access to their nonexempt records should contact the System Manager. Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Date of birth.

Individuals requesting access must also comply with the Federal Labor Relations Authority's Privacy Act regulations regarding access to records (5 CFR 2412.5).

Contesting record procedures: Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 552a(d), regarding amendment of records. The section of the notice titled

"Systems Exempted from Certain Provisions of the Act," which appears below, indicates the kinds of materials exempted and the reasons for exempting them from amendment. An individual may contact an FLRA office where his or her application or other record in this system is filed at any time to update qualifications, experience, or education. Such regular administrative updating of records should not be requested under the provisions of the Privacy Act. However, individuals wishing to request amendment of their nonexempt records under provisions of the Privacy Act should contact the System Manager.

Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Date of birth.

Individuals must also comply with the Federal Labor Relations Authority's Privacy Act regulations regarding amendment of records (5 CFR 2412.10).

Record source categories: Information in this system of records is provided by:

- (a) The individual to whom the information pertains;
- (b) Federal Labor Relations Authority officials;
- (c) Other sources contacted to provide additional information about the individual under appropriate routine uses listed above in the notice.

Systems exempted from certain provisions of the act: This system contains testing and examination materials that are used solely to determine individual qualifications for appointment or promotion in the Federal service. The Privacy Act, at 5 U.S.C. 552a(k)(6), permits an agency to exempt all such testing or examination material and information from certain provisions of the Act, when disclosure of the material would compromise the objectivity or fairness of the testing or examination process.

FLRA/INTERNAL-5

System name: Preemployment Inquiry Records.

System location: Office of Director of Personnel, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424 and Federal Labor Relations Authority regional offices (see list of regional offices in Appendix).

Categories of individuals covered by the system: Current and former applicants for employment with the Federal Labor Relations Authority.

Categories of records in the system: This system contains a variety of records relating to an applicant's qualifications for employment in terms of character, reputation, and fitness; including letters of reference, responses to preemployment inquiries, qualifications and character information, and other information which may relate to the specific selection factors associated with the position sought.

Authority for maintenance of the system: 5 U.S.C. 3301, 3302, and 7301; and Executive Orders 10577, 11222, and 9397.

Purpose(s):

These records are used by Federal Labor Relations Authority appointing and selecting officials to examine individuals seeking employment by consideration of factors present in such records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records may be used:

- a. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the Federal Labor Relations Authority becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.
- b. To disclose information to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose of the request, and identify the type of information requested), where necessary to obtain information relevant to a Federal Labor Relations Authority decision concerning the hiring or retention of an employee, the issuance of a security clearance, the classifying of jobs, or the letting of a contract.
- c. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

d. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

g. By the Office of Personnel Management in the production of summary analytical studies in support of the function for which the records are collected and maintained or for related workforce studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way to make the data individually identifiable by inference.

h. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

i. To disclose information to officials of: The Merit Systems Protection Board (including the Office of the Special Counsel), or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on cards or in file folders.

Retrievability: These records are retrieved by the name of the individual on whom they are maintained.

Safeguards: These records are located in locked metal file cabinets or in a secured room with access limited to personnel whose official duties require access.

Retention and disposal: Records for individuals who are selected for position at the Federal Labor Relations Authority may be disposed of after the individual is appointed, or they may be retained for one year or until the employee separates, whichever is earlier. Records for other applicants are retained while the individual is under consideration for employment and are disposed of when the individual's application is disposed of. Disposal is by shredding or burning.

System manager(s) and address: Director of Personnel, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424.

Notification procedure: Individuals wishing to inquire whether this system of records contains information about them should contact the System Manager. Individuals must furnish the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.
- c. Social Security Number.

Individuals making inquiries must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding the existence of records (5 CFR 2412.4).

Record access procedures: Individuals wishing to gain access to information in the system should contact the System Manager. Individuals must furnish the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.
- c. Social Security Number.

Individuals requesting access must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding access to records (5 CFR 2412.5).

Contesting record procedures: Certain materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 552a(d), regarding amendment of records. The section of this notice titled "Systems Exempted From Certain Provisions of the Act," which appears below, indicates the kinds of material exempted and the reasons for exempting them from amendment. Individuals wishing to request amendment of other, nonexempt information in the system, should contact the System Manager, furnishing the following information:

- a. Name.
- b. Date of birth.
- c. Social Security Number.

Individuals requesting amendment must also follow the Federal Labor Relations Authority's Privacy Act regulations regarding amendment of records (5 CFR 2412.10).

Record source categories: Information in this system of records is provided by:

- a. The individual to whom the information pertains.
- b. Federal Labor Relations Authority officials.
- c. Sources from whom information was requested, such as former employers, references, or schools.

Systems exempted from certain provisions of the act: This system contains investigatory material compiled during the preemployment inquiry stage of the selection process and designed solely for the purpose of determining eligibility or qualifications for Federal civilian employment. The Privacy Act, at 5 U.S.C. 552a(k)(5), permits an agency to exempt such material from certain provisions of the Act. Materials may be exempted to the extent that release of the material to the individual whom the information is about would:

a. Reveal the identity of a source who furnished information to the Government under an express promise (granted on or after September 27, 1975) that the identity of the source would be held in confidence; or

b. Reveal the identity of the source who, prior to September 27, 1975, furnished information to the Government under an implied promise that the identity of the source would be held in confidence.

For material in this system meeting these criteria, Federal Labor Relations Authority has claimed the (k)(5) exemption from the following provisions of the Act:

a. 5 U.S.C. 552a(c)(3)—This provision concerns providing an accounting of disclosure to the individual whom the records are about; and

b. 5 U.S.C. 552a(d)—This provision regards access to and amendment of records.

FLRA/INTERNAL-6

System name: Grievance Records.

System location: Office of Director of Personnel, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424.

Categories of individuals covered by the system: Current or former Federal employees who have submitted grievances with the Federal Labor Relations Authority pursuant to Office of Personnel Management regulations regarding Agency Administrative Grievance Systems (5 CFR Part 771).

Categories of records in the system: The system contains records relating to grievances filed by agency employees under 5 CFR Part 771 of the Authority's regulations. These case files contain all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original decision, and related correspondence and exhibits. This system includes files and records of internal grievances, and of arbitration systems that may be established through negotiations with the union representing agency employees.

Authority for maintenance of the system: 5 U.S.C. 1302, 3301, 3302, E.O. 10577, 3 CFR 1954-1958 Comp., p218, E.O. 10987, 3 CFR 1959-1963 Comp., p519, agency employees, for personal relief in a matter of concern or dissatisfaction which is subject to the control of agency management.

Purpose(s):

These records are used to store and document grievances based on employee dissatisfaction relative to actions taken within the discretion of the Federal Labor Relations Authority.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records may be used:

a. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

c. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the agency's decision on the matter.

d. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

g. To disclose information to officials of: The Merit Systems Protection Board (including the Office of the Special Counsel), or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

h. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

i. To provide information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders.

Retrievability: These records are retrieved by the names of the individuals on whom they are maintained.

Safeguards: These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

Retention and disposal: These records are disposed of 3 years after closing of the case. Disposal is by shredding or burning.

System manager(s) and address: Director of Personnel, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424.

Notification procedure: It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the System Manager. They must furnish the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.
- c. Approximate date of closing of the case and kind of action taken.
- d. Organizational component involved.

Individuals making inquiries must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding the existence of records (5 CFR 2412.4).

Record access procedures: It is required that individuals submitting grievances be provided a copy of the record under the grievance process. However, after the action has been closed, an individual may request access to the official copy of the grievance file by contacting the System Manager.

Individuals must provide the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.
- c. Approximate date of closing of the case and kind of action taken.
- d. Organizational component involved.

Individuals requesting access must also follow the Federal Labor Relations Authority's Privacy Act regulations regarding access to records (5 CFR 2412.5).

Contesting record procedures: Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited to scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment to their records of correct factual errors should contact the System Manager.

- a. Name.
- b. Date of birth.
- c. Approximate date of closing of the case and kind of action taken.
- d. Organizational component involved.

Individuals requesting amendment must follow the Federal Labor Relations Authority's Privacy Act regulations regarding amendment to records (5 CFR 2412.10).

Record source categories: Information in this system of records is provided by:

- a. The individual on whom the record is maintained.
- b. Testimony of witnesses.
- c. Agency officials.
- d. Organizations or persons providing related correspondence.

FLRA/INTERNAL-7

System name: Employee Incentive Award and Recognition Files.

System location: Office of Director of Personnel, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424.

Categories of individuals covered by the system: Current and former Federal Labor Relations Authority employees who have filed suggestions or who were nominated for cash awards for performance, honorary awards under the Incentive Awards Program, and quality step increases.

Categories of records in the system: This system includes copies of employees suggestions, and information relating to the Federal Labor Relations Authority's disposition of the suggestions, including amounts of awards for adopted suggestions, evaluations, and amounts of benefits to the Government.

The system also contains information related to the nomination of an employee for a cash award for performance, an award under the Incentive Awards Program, or for a quality step increase, including justifications submitted with the nominations and the Federal Labor Relations Authority's disposition of the nominations and identifying information regarding the employee, including name, grade, occupation, and employing unit.

Authority for maintenance of the system: 5 U.S.C. 4501 et seq. 5 U.S.C. 5336.

Purpose(s):

These records are collected and maintained to provide a basis for granting recognition to Federal Labor Relations Authority's employees in accordance with the provisions of the Federal Labor Relations Authority's Incentive Awards plan or for quality step increases; to document employees' contributions to the Suggestion Program; and to determine and verify employees' eligibility for subsequent awards. These records may also be used to locate individuals for personnel research.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records may be used:

a. To consider and select employees for Incentive awards and other honors and to publicize those granted. This may include disclosure to other public (Federal, State, or local) or private organizations, including news media, which grant or publicize employee awards or honors.

b. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the Federal Labor Relations Authority becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

c. To disclose information to any source from which additional information is requested (to the extent necessary to identify the individual, inform the sources of the purpose of the request, and identify the type of information requested), where necessary to obtain information relevant to a Federal Labor Relations Authority decision concerning the adoption of a suggestion or the approval of the employee's nomination for an incentive award or quality step increase.

d. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

e. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

f. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

g. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

h. By the Office of Personnel Management in the production of summary descriptive statistics and analytical studies in support of the

function for which the records are collected and maintained or for related workforce studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

i. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

j. To disclose information to officials of: The Merit Systems Protection Board (including the Office of the Special Counsel), or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in file folders.

Retrievability: These records are retrieved by the names of the individuals on whom they are maintained.

Safeguards: These records are maintained in a secured area with access limited to those whose duties require access.

Retention and disposal: These records are maintained for 4 fiscal years. Expired records are shredded or burned.

System manager(s) and address: Director of Personnel, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424.

Notification procedure: Individuals wishing to inquire whether this system contains information about them should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Date of birth.

Individuals making inquiries must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding the existence of records (5 CFR 2412.4).

Record access procedures: Individuals wishing to request access to records about them should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Date of birth.

Individuals requesting access must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding access to record (5 CFR 2412.5).

Contesting record procedures: Individuals wishing to request amendment to records about them should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Date of birth.

Individuals requesting amendment must also follow the Federal Labor Relations Authority's Privacy Act regulations regarding amendment of records (5 CFR 2412.10).

Record source categories: Information in this system of records is provided by:

- a. The employee who filed the suggestion.
- b. Individuals who nominated the employee for an incentive award, or quality step increase.
- c. Personnel documents of the Federal Labor Relations Authority.

FLRA/INTERNAL-8

System name: Employee Assistance Program Records.

System location: Office of Director of Personnel, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424.

Categories of individuals covered by the system: Current Federal Labor Relations Authority employees who have been counselled for abuse of alcohol or drugs, or personal or emotional health problems.

Categories of records in the system: This system contains records relating to employees' visits to the Personnel Office for the purpose of receiving counselling for drug abuse, alcoholism, or behavioral or emotional problems. Such records would include data such as: Employee name; nature of problem; summation of counselling given; date of session; and information relating to referral of employee to a professional person (professional counselor, physician, etc.).

Authority for maintenance of the system: 5 U.S.C. 3301 and 7901, 21 U.S.C. 1108, 42 U.S.C. 4561, 44 U.S.C. 3101, and Pub. L. 91-616 and 92-255.

Purpose(s):

These records are used to document the nature of the individual's problem and progress and, when necessary, to refer individuals to appropriate community or private resources for treatment or rehabilitation.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records may be used:

To disclose information to the Department of Justice or other appropriate Federal agencies in defending claims against the United States, when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Federal Labor Relations Authority in connection with such an individual.

Such disclosures will be restrictively made; in particular, disclosures of information pertaining to an individual with a history of alcohol or drug abuse will be limited in compliance with the restrictions of the confidentiality of Alcohol and Drug Abuse Patient Records regulations, 45 CFR Part 2.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders.

Retrievability: These records are retrieved by the name of the individual on whom they are maintained.

Safeguards: These records are maintained in locked file cabinets with access limited to those persons whose duties require access.

Retention and disposal: Records are maintained for 1 year after the employee's last contact with the counsellor, or until the employee's separation or transfer, whichever comes first. Records are destroyed by shredding or burning.

System manager(s) and address: Director of Personnel, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424.

Notification procedure: Federal Labor Relations Authority employees wishing to inquire whether this system of records contains information about them should contact the System Manager. Individuals must furnish the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.

Individuals making inquiries must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding the existence of records (5 CFR 2412.4).

Record access procedures: Federal Labor Relations Authority employees wishing to request access to records about them should contact the System Manager. Individuals must furnish the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.

Individuals requesting amendment must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding amendment of records (5 CFR 2412.5).

Contesting record procedures: Federal Labor Relations Authority employees wishing to request amendment to records about them should contact the System Manager. Individuals must furnish the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.

Individuals requesting access must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding access to records (5 CFR 2412.5).

Record source categories: Information in this system of records is provided by:

- a. The individual to whom it applies.
- b. The Employee Assistance Counsellor who records the counselling session.

FLRA/INTERNAL-9

System name: Federal Executive Development Program Records.

System location: Office of Director of Personnel, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424.

Categories of individuals covered by the system: Current Federal Labor Relations Authority employees at the GS-15 or equivalent level who applied for the Federal Executive Development Program.

Categories of records in the system: These records contain demographic information and background data on the experience, education, awards and career interests of applicants, their agency recommendations for the program, and supervisory evaluations. Note—this system does not include records of the evaluation process used by the

selection panel in choosing the finalists, and data on assignments and progress under the program.

Authority for maintenance of the system: Executive Orders 11815, 12027, and 9397.

Purpose(s):

These records are maintained and used by the Federal Labor Relations Authority to nominate employees for the Federal Executive Development Program. When an employee is accepted for the Program, the records may be used to arrange work assignments and to monitor progress on assignments under the program. The Federal Labor Relations Authority may use these records to locate individuals for personnel research.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records may be used:

a. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

b. To disclose information to agencies in which the selected employee is or will be performing work assignments under the Federal Executive Development Program.

c. By the Office of Personnel Management in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related work force studies. While published studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

d. To disclose information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing or implementing a statute, rule, regulation, or order, where the Federal Labor Relations Authority becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

g. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

h. To disclose information to officials of: The Merit Systems Protection Board (including the Office of the Special Counsel), or Equal Employment Opportunity Commission when requested in performance of their authorized duties.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders.

Retrievability: These records are retrieved by the name of the individual on whom they are maintained.

Safeguards: These records are kept in locked cabinets and are available only to authorized personnel whose duties require access.

Retention and disposal: These records are filed alphabetically by year. They are retained for five years, and are disposed of by burning or shredding.

System manager(s) and address: Director of Personnel, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424.

Notification procedure: Individuals wishing to inquire whether this system contains information about them should address their inquiries to the System Manager. Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Date of birth.
- c. Social Security Number.

Individuals making inquiries must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding the existence of records (5 CFR 2412.4).

Record access procedures: Individuals wishing to request access to records about them should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Date of birth.
- c. Social Security Number.

Individuals requesting access must follow the Federal Labor Relations Authority's Privacy Act regulations regarding access to records (5 CFR 2412.5).

Contesting record procedures: Individuals wishing to request amendment of their records should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

- Full name.
- Date of birth.
- Social Security Number.

Individuals requesting amendment must also follow the Federal Labor Relations Authority's Privacy Act regulations regarding amendment of records (5 CFR 2412.10).

Record source categories: Information in this system of records is provided by:

- The individual to whom the record pertains.
- The individual's supervisor and other management officials.
- Agency records.

FLRA/INTERNAL-10

System name: Employee Locator Card Files.

System location: Office of Director of Personnel, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424 or Federal Labor Relations Authority's regional offices (See list of regional offices in the Appendix).

Categories of individuals covered by the system: Employees of the Federal Labor Relations Authority.

Categories of records in the system: This system contains information regarding the organizational location and telephone extension of individual Federal Labor Relations Authority employees. The system also contains the home address and telephone number of the employee, and the name, address, and telephone number of an individual to contact in the event of a medical or other emergency involving the employee.

Authority for maintenance of the system: 5 U.S.C. 301.

Purpose(s):

Information is collected for this system for use in preparing telephone directories of the extensions of Federal Labor Relations Authority employees. The records also serve to identify an individual for Federal Labor Relations Authority officials to contact, should an emergency of a medical or other nature involving the employee occur while the employee is on the job. These records may also be used to locate individuals for personnel research.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records may be used:

- To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.
- To disclose information to another Federal agency or to a court when the Government is party to a suit before the court.
- To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on cards.

Retrievability: These records are retrieved by the name of the individual on whom they are maintained.

Safeguards: These records are maintained in secured areas and are available only to authorized personnel whose duties require access.

Retention and disposal: These records are maintained as long as the individual is an employee of the Federal Labor Relations Authority. Expired records are destroyed by burning or shredding.

System manager(s) and address: Director of Personnel, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424.

Notification procedure: Federal Labor Relations Authority employees wishing to inquire whether this system contains information about them should contact the System Manager. Individuals must supply their full name for their records to be located and identified.

Individuals making inquiries must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding the existence of records (5 CFR 2412.4).

Record access procedures: Federal Labor Relations Authority employees wishing to request access to records about them should contact the System Manager. Individuals must supply their full name for their records to be located and identified.

Individuals requesting access must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding access to records (5 CFR 2412.5).

Contesting record procedures: Federal Labor Relations Authority employees may amend information in these records at any time by resubmitting the cards. Individuals wishing to request amendment of their records under the provisions of the Privacy Act should contact the System Manager. Individuals must supply their full name for their records to be located and identified.

Individuals requesting amendment must follow the FLRA's Privacy Act regulations regarding amendment of records (5 CFR 2412.10).

Record source categories: Information in this system of records is provided by the individual who is the subject of the record.

FLRA/INTERNAL-11

System name: Training Records.

System location: Office of Director of Personnel, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424 or Federal Labor Relations Authority regional offices (See list of regional offices in the Appendix).

Categories of individuals covered by the system: Employees of FLRA who have completed Government-sponsored training.

Categories of records in the system: This system contains an official personnel file copy and a subject-matter file copy of an authorization for training. Information on this copy contains the following: Name; date of birth; years of civilian service; social security number; home address and telephone number; office address and telephone number; as well as applicable information relating to the course (title, cost, location, etc.).

Authority for maintenance of the system: Chapter 41 of Title 5, U.S.C. and Executive Order 11348.

Purpose(s):

These records are used to nominate and/or approve Federal Labor Relations Authority employees for training courses sponsored by the agency or non-government sources and for recording completion of scheduled training.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records may be used:

- To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.
- To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.
- By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.
- By the Office of Personnel Management in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.
- To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.
- To provide information to officials of labor organizations recognized under the Civil Service Reform Act, when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.
- To disclose information to officials of the Merit Systems Protection Board (including the Office of the Special Counsel), or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in three-ring binders.

Retrievability: These records are retrieved by the name of the trainee on whom the records are maintained.

Safeguards: These records are stored in locked metal cabinets and are available only to authorized personnel whose duties require access.

Retention and disposal: These records are retained for three fiscal years and disposed of by shredding or burning.

System manager(s) and address: Director of Personnel, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424.

Notification procedure: Individuals wishing to inquire whether this system contains information about them should contact the System Manager. Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Social Security Number.

Individuals making inquiries must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding the existence of records (5 CFR 2412.4).

Record access procedures: Individuals wishing to request access to their records should contact the System Manager. Individuals must furnish the following for their records to be located and identified:

- a. Full name.
- b. Social Security Number.

Individuals requesting access must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding access to records (5 CFR 2412.5).

Contesting record procedures: Individuals wishing to request amendment of their records should contact the System Manager. Individuals must furnish the following for their records to be located and identified:

- a. Full name.
- b. Social Security Number.

Individuals must also comply with the Federal Labor Relations Authority's Privacy Act regulations regarding amendment of records (5 CFR 2412.10).

Record source categories: Information in this system of records is provided by:

- a. The individual to whom the information pertains.
- b. Federal Labor Relations Authority officials.

FLRA/INTERNAL-12

System name: Performance Evaluation/Rating Records.

System location: Office of Director of Personnel, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424 or Federal Labor Relations Authority regional offices (See list of regional offices in the Appendix).

Categories of individuals covered by the system: Current and former FLRA employees.

Categories of records in the system: This system contains records relating to periodic supervisory assessments of the work performance of each Federal Labor Relations Authority employee. The various elements of the system relate to: Probationers, trainees, employees, supervisors, executive performance, and performance rating. These records are official copies of performance appraisals which have been conducted on a regularly scheduled basis.

Authority for maintenance of the system: Chapter 43 of Title 5, U.S.C.

Purpose(s):

The primary purpose of this system is to provide a means for evaluating the performance of employees in order to strengthen supervisor-employee understanding and relationships; recognize the merits of employees who have contributed to efficiency and economy in government operations; determine methods to increase the effectiveness with which employees do their work; and identify unsatisfactory employees who should be reassigned or separated.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records may be used:

- a. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.
- b. To disclose information to another Federal agency or to a court when the Government is party to a suit before the court.
- c. By the National Archives and Records Service (General Services Administration), in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.
- d. By the Office of Personnel Management in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

e. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

f. To disclose information to officials of: The Merit Systems Protection Board (including the Office of the Special Counsel), or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

g. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

h. To disclose information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders.

Retrievability: These records are retrievable by name of the employee on whom the information is maintained.

Safeguards: These records are stored in lockable metal file cabinets or "secured" rooms with access limited to those whose official duties require access.

Retention and disposal: Performance ratings may be disposed of after two years and performance evaluations related to merit promotion after five years. Records to be destroyed are destroyed by shredding or burning.

System manager(s) and address: Director of Personnel, Federal Labor Relations Authority, 1900 E Street NW, Washington, D.C. 20424.

Notification procedure: Individuals wishing to inquire as to whether this system contains information about them should contact the System Manager. Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Current or former Office organization.
- c. If former employee, date of separation.

Individuals making inquiries must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding the existence of records (5 CFR 2412.4).

Record access procedures: Individuals wishing to request access to their records should contact the System Manager. Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Current or former Office organization.
- c. If former employee, date of separation.

Individuals requesting access must also comply with Federal Labor Relations Authority's Privacy Act regulations regarding access to records (5 CFR 2412.5).

Contesting record procedures: Individuals may request amendment of their records to correct factual errors by contacting the System Manager. Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Current or former Office organization.
- c. If former employee, date of separation.

Individuals requesting amendment must follow the Federal Labor Relations Authority's Privacy Act regulations regarding amendment of records (5 CFR 2412.10).

Record source categories: Information in this system records is provided by the individual to whom the information pertains, by supervisors, and by higher level Federal Labor Relations Authority officials in the individual's organization.

FLRA/INTERNAL-13

System name: Intern Program and Upward Mobility Program Records.

System location: Office of Director of Personnel, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424.

Categories of individuals covered by the system: Federal Labor Relations Authority employees who participated in the Upward Mobility Program, the Cooperative Education Program, and/or the Legal Intern Program.

Categories of records in the system: SF 171 (Personal Qualifications Statement) containing employment history data and Individual Development Plans.

Authority for maintenance of the system: Chapter 41 of Title 5, U.S.C.

Purpose(s):

The purpose of the file is to document internships and upward mobility assignments.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records may be used:

a. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

b. To disclose information to another Federal agency or to a court when the Government is party to a suit before the court.

c. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

d. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

e. By the Office of Personnel Management in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

f. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in pending judicial or administrative proceedings.

h. To disclose information to officials of: The Merit Systems Protection Board (including the Office of the Special Counsel), or Equal Employment Opportunity Commission when requested in performance of their authorized duties.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders.

Retrievability: These records are retrieved by the name of the individual on whom they are maintained.

Safeguards: These records are located in lockable metal filing cabinets with access limited to those personnel whose official duties require access.

Retention and disposal: These records are retained for five years and disposed of by burning or shredding.

System manager(s) and address: Director of Personnel, Federal Labor Relations Authority, 1900 E Street NW, Washington, D.C. 20424.

Notification procedure: Individuals wishing to inquire whether this system contains information about them should contact the System Manager. Individuals must furnish the following information for their records to be located and identified:

a. Full name.

b. Date of birth.

Individuals making inquiries must also comply with the Federal Labor Relations Authority's Privacy Act regulations regarding existence of records (5 CFR 2412.4).

Record access procedures: Individuals wishing to request access to records should contact the System Manager. Individuals must furnish the following information for their records to be located and identified:

a. Full name.

b. Date of birth.

Individuals requesting access must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding access to records (5 CFR 2412.5).

Contesting record procedures: Individuals wishing to request amendment of their records should contact the System Manager. Individuals must furnish the following information for their records to be located and identified:

a. Full name.

b. Date of birth.

Individuals requesting amendments must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding amendment of records (5 CFR 2412.10).

Record source categories: Information in this system of records is provided by:

a. The individual to whom the information pertains.

b. Federal Labor Relations Authority officials.

FLRA/INTERNAL-14

System name: Motor Vehicle Operators Records and Motor Vehicle Accident Report Cards.

System location: Director of Administration, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424.

Categories of individuals covered by the system: Current and former employees of the Federal Labor Relations Authority.

Categories of records in the system: This system contains documents related to the authorization and issuance to an individual of a U.S. Government motor vehicle operator's identification card. Also included are reports, correspondence and fiscal documents concerning motor vehicle accidents occurring in Government owned or leased motor vehicles or privately owned motor vehicles while on official business.

Authority for maintenance of the system: Chapter 171 of Title 28, United States Code.

Purpose(s):

These records serve to document issuance of U.S. Government motor vehicle operator's identification cards, motor vehicle accident reports and related documents which may be used in claims settlement litigation regarding an accident involving a Government motor vehicle or a leased or privately owned motor vehicle while being used on official business.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records may be used:

a. To disclose pertinent information to the appropriate Federal, State or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the Federal Labor Relations Authority becomes aware of an indication of a violation or potential violation of a civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose of the request, and identify the type of information requested), where necessary to obtain information relevant to a Federal Labor Relations Authority decision concerning the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a grant or other benefit.

c. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

d. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

e. By the National Archives and Records Service (General Services Administration) in Records Management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

f. By the Office of Personnel Management in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

g. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation, the classifying of jobs, or the awarding of a contract, license, grant, or other benefit.

h. To disclose information to the General Services Administration about motor vehicle accidents involving Government-owned or leased motor vehicles.

i. To disclose information to insurance carriers about accidents involving privately owned motor vehicles.

j. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders and on indexed application cards.

Retrievability: These records are retrieved by the name of the individual on whom they are maintained.

Safeguards: These records are maintained in a secured area with access limited to authorized personnel whose duties require access.

Retention and disposal: Motor vehicle operator records are maintained for three years after the separation of the employee (operator) and are destroyed by shredding or burning.

Motor vehicle accident reports are maintained for six years after the date of the report, except in cases involving litigation. In cases involving litigation, records are to be maintained for a period of seven years. Records to be destroyed are destroyed by shredding or burning.

System manager(s) and address: Director of Administration, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424.

Notification procedure: Individuals wishing to inquire whether this system of records contains information about them should contact System Manager.

Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Date of birth.

Individuals making inquiries must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding the existence of records (5 CFR 2412.4).

Record access procedures: Individuals wishing to request an amendment to their records should contact the System Manager. Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Date of birth.

Individuals requesting amendment also follow must Federal Labor Relations Authority's Privacy Act regulations regarding amendment of records (5 CFR 2412.5).

Contesting record procedures: Individuals wishing to request access to records about them should contact the System Manager. Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Date of birth.

Individuals requesting access must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding access to records (5 CFR 2412.5).

Record source categories: Information in this system of records is provided by:

- a. The individual to whom the record pertains.
- b. Federal Labor Relations Authority employees and other parties involved in the motor vehicle accident.
- c. Witnesses to the accident.
- d. Police reports and reports of investigations conducted by Federal Labor Relations Authority investigators.
- e. Officials of the Federal Labor Relations Authority and the General Services Administration.

FLRA/INTERNAL-15

System name: Pay, Leave and Travel Records.

System location: Office of Administration, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424.

Categories of individuals covered by the system: Current and former employees of the Federal Labor Relations Authority.

Categories of records in the system: This system contains various records relating to pay, leave, and travel. This includes information such as: Name, date of birth, Social Security Number, home address, grade, employing organization, timekeeper number, salary, pay plan, number of hours worked, leave accrual rate, usage, and balance; Civil Service Retirement contributions; FICA withholdings; Federal, State and local tax withholdings; Federal Employees' Group Life Insurance withholdings; Federal Employee's Health Benefits withholdings; charitable deductions; allotments to financial organizations; garnishment documents; savings bond allotments; and travel expenses.

Authority for maintenance of the system: 31 U.S.C. 66a; 5 U.S.C. 5501, 5535 et seq., 5701, and 6301 et seq.; Executive Order 9397.

Purpose(s):

These records are used to administer the pay, leave and travel requirements of the Federal Labor Relations Authority. These records may also be used to locate individuals for personnel research.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records may be used:

a. By the Department of the Treasury to issue checks and U.S. Savings Bonds.

b. By the Department of Labor in connection with a claim filed by an employee for compensation due to a job-connected injury or illness.

c. By state offices of unemployment compensation in connection with claims filed by former Federal Labor Relations Authority employees for unemployment compensation.

d. By Federal Employees Group Life Insurance or Health Benefits carriers in connection with survivor annuity or health benefits claims for records reconciliations.

e. To disclose information to the Internal Revenue Service and state and local tax authorities.

f. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the Federal Labor Relations Authority becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

g. To disclose information to any source from which additional information is requested relevant to a Federal Labor Relations Authority determination concerning an individual's pay, leave, or travel expenses, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and to identify the type of information requested.

h. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a suitability or security investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

i. To disclose information to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.

j. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

k. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

l. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

m. By the Office of Personnel Management in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

n. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

o. To disclose information to officials of: The Merit Systems Protection Board (including the Office of the Special Counsel), the Office of Personnel Management and its General Counsel and the Equal Employment Opportunity Commission in performance of their authorized duties. Information may also be disclosed to the General Accounting Office and the General Services for auditing purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders and loose leaf binders and on cards and magnetic tapes.

Retrievability: These records are retrieved by the names or Social Security Numbers of the individuals on whom they are maintained.

Safeguards: These records are located in lockable metal filing cabinets or in a secured facility and are available only to authorized personnel whose duties require access.

Retention and disposal: These records are maintained for varying periods of time, in accordance with GSA General Records Schedule

2. Disposal of manual records is by shredding or burning; magnetic tapes are erased.

System manager(s) and address: Director of Administration, Federal Labor Relations Authority, 1900 E Street, NW, Washington, D.C. 20424.

Notification procedure: Individuals wishing to determine whether this system of records contains information about them should contact the System Manager. Individuals must furnish the following for their records to be located and identified:

- a. Full name.
- b. Date of birth.
- c. Social Security Number.

Individuals making inquiries must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding the existence of records (5 CFR 2412.4).

Record access procedures: Individuals wishing access to records about them should contact the System Manager. Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Date of birth.
- c. Social Security Number.

Individuals requesting access must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding access to records (5 CFR 2412.5).

Contesting record procedures: Individuals wishing to request amendment of records about them should contact the System Manager. Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Date of birth.
- c. Social Security Number.

Individuals requesting amendment must follow the Federal Labor Relations Authority's Privacy Act regulations regarding amendment of records (5 CFR 2412.10).

Record source categories: Information in this system of records is provided by:

- a. The individual to whom the record pertains.
- b. Federal Labor Relations Authority officials responsible for pay, leave, and travel requirements.
- c. Other official personnel documents of the Federal Labor Relations Authority.

FLRA/INTERNAL-16

System name: Occupational Injury and Illness Records.

System location: Office of Director of Personnel

1900 E Street NW
Washington, D.C. 20424

Categories of individuals covered by the system: Current and former Federal Labor Relations Authority employees who have reported a work-related injury or illness.

Categories of records in the system: Records may include information pertaining to the complete history of the employee's occupational injury or illness, including any doctors' or investigative reports submitted, and the disposition of claims for compensation filed under the Federal Employees Compensation Act.

Authority for maintenance of the system: 5 U.S.C. 7901, as further defined in OMB Circular A-72.

Purpose(s):

The purpose of these records is to document injuries as well as resultant claims.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records may be used:

- a. To disclose information to Federal Labor Relations Authority officials and employees in processing reports of occupational injury or illness and claims for compensation under the Federal Employees Compensation Act.

- b. By the Office of Personnel Management in the production of summary analytical studies in support of the function for which the records are collected and maintained or for related workforce studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

- c. To the U.S. Department of Labor for purposes of adjudicating claims for compensation under the Federal Employees Compensation Act.

- d. To the U.S. Department of Human and Health Services in the administration of public health service programs.

- e. To a court of competent jurisdiction for adjudicating claims arising under the Federal Employees Compensation Act.

- f. To an investigator utilized by Federal Labor Relations Authority to obtain information relevant to a claim arising under the Federal Employees Compensation Act.

- g. To the appropriate agency, whether Federal, State, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

- h. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

- i. To individuals who need the information in connection with the processing of an appeal, grievance or complaint.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on forms and related correspondence.

Retrievability: These records are retrieved alphabetically by the name of the individual on whom the records are maintained.

Safeguards: These records are maintained in lockable file safes. Access is limited to personnel who have a need for access to perform their official functions.

Retention and disposal: These records are retained indefinitely.

System manager(s) and address: Director of Personnel, Federal Labor Relations Authority, 1900 E Street NW, Washington, D.C. 20424.

Notification procedure: Individuals inquiring whether this system contains information about them should contact the System Manager.

Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Date of birth.
- c. Social Security Number.

Individuals making inquiries must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding existence of records. (5 CFR 2412.4)

Record access procedures: Individuals wishing to request access to records about them should contact the System Manager.

Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Date of birth.
- c. Social Security Number.

Individuals wishing to request access to records must comply with the Federal Labor Relations Authority's Privacy Act regulations regarding access to records. (5 CFR 2412.5)

Contesting record procedures: Individuals wishing to request an amendment to their records should contact the System Manager.

Individuals must furnish the following information for their records to be located and identified:

- a. Full name.
- b. Date of birth.
- c. Social Security Number.

Individuals requesting amendment must also follow the Federal Labor Relations Authority's Privacy Act regulations regarding amendments to records. (5 CFR 2412.10)

Record source categories: Information in this system of records is provided by:

- a. Forms completed by the employee.
- b. Witnesses.
- c. Investigators.
- d. Employee's supervisor.
- e. Claims examiners of the U.S. Department of Labor.
- f. Doctors' statements.

Appendix

Regional Offices:

Region I: Federal Labor Relations Authority, 441 Stuart Street, 8th Floor, Boston, MA 02116.

Region II: Federal Labor Relations Authority, Room 241, 26 Federal Plaza, New York, NY 10007.

Region III: Federal Labor Relations Authority, 1133 15th Street, NW., Suite 300, Washington, D.C. 20005.

Region IV: Federal Labor Relations Authority, Room 501, North Wing, 1776 Peachtree, NW., Atlanta, GA 30309.

Region V: Federal Labor Relations Authority, Room 1638, Dirksen Federal Building, 219 South Dearborn Street, Chicago, IL 60604.

Region VI: Federal Labor Relations Authority, Room 450, Old Post Office Building, Bryan and Ervay Street, Dallas, TX 75221.

Region VII: Federal Labor Relations Authority, Suite 680, City Center Square Building, 1100 Main Street, Kansas City, MO 64105.

Region VIII: Federal Labor Relations Authority, 350 S. Figueroa Street, 10th Floor, Los Angeles, CA 90071.

Region IX: Federal Labor Relations Authority, 450 Golden Gate Avenue, Room 11408, P.O. Box 36016, San Francisco, CA 94102.

Area Offices:

Federal Labor Relations Authority, William J. Green Federal Building, 600 Arch Street, Room 1424, Philadelphia, PA 19106.

Federal Labor Relations Authority, Room 821, Federal Office Building, 1240 E. Ninth Street, Cleveland, OH 44199.

Federal Labor Relations Authority, Federal Building & U.S. Customs House, Room 170, 721—19th Street, Denver, Colorado 80202.

Title 5-Administrative Personnel

Chapter XIV—Federal Labor Relations Authority

Subchapter B-General Provisions

PART 2412—PRIVACY

- Sec.
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Authority: 5 U.S.C. 552a.

Source: 45 FR 3491, Jan. 17, 1980, unless otherwise noted.

§ 2412.1 Purpose and scope.

This part contains the regulations of the Federal Labor Relations Authority, the General Counsel of the Federal Labor Relations Authority and the Federal Service Impasses Panel implementing the Privacy Act of 1974, as amended, 5 U.S.C. 552a. The regulations apply to all records maintained by the Authority, the General Counsel and the Panel that are contained in a system of records, as defined herein, and that contain information about an individual. The regulations in this part set forth procedures that: (a) Authorize an individual's access to records maintained about the individual; (b) limit the access of other persons to those records; and (c) permit an individual to request the amendment or correction of records about the individual.

§ 2412.2 Definitions.

For the purposes of this part—

(a) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(b) "Maintain" includes maintain, collect, use or disseminate.

(c) "Record" means any item, collection or grouping of information about an individual that is maintained by the Authority, the General Counsel and the Panel including, but not limited to, the individual's education, financial transactions, medical history and criminal or employment history and that contains the individual's name, or the identifying number, symbol or other

identifying particular assigned to the individual, such as a finger or voice print or a photograph.

(d) "System of records" means a group of any records under the control of the Authority, the General Counsel and the Panel from which information is retrieved by the name of the individual or by some identifying particular assigned to the individual.

(e) "Routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 2412.3 Notice and publication.

The Authority, the general Counsel, and the Panel will publish in the **Federal Register** such notices describing systems of records as are required by law.

[51 FR 33837, Sept. 23, 1986]

§ 2412.4 Existence of records requests.

(a) An individual who desires to know if a system of records maintained by the Authority, the General Counsel and the Panel contains a record pertaining to the individual must submit a written inquiry as follows:

(1) If the system of records is located in a regional office of the Authority, it should be made to the appropriate Regional Director; and

(2) If the system of records is located in the office of the Authority, the General Counsel or the Panel in Washington, D.C., it should be made to the Director of Administration of the Authority, Washington, D.C.

(b) The request shall be in writing and should be clearly and prominently identified as a Privacy Act request. If the request is submitted by mail or otherwise submitted in an envelope or other cover, it should bear the legend "Privacy Act Request" on the envelope or other cover. If a request does not comply with the provisions of this paragraph, it shall not be deemed received until the time it is actually received by the appropriate Regional Director or the Director of Administration of the Authority, as appropriate.

(c) The inquiry must include the name and address of the individual and reasonably describe the system of records in question by the individual. Descriptions of the systems of records maintained by the Authority, the General Counsel and the Panel have been published in the **Federal Register**.

(d) The appropriate Regional Director or the Director of Administration of the Authority, as appropriate, will advise the individual in writing within ten (10) working days from receipt of the request whether the system of records named by

the individual contains a record pertaining to the individual.

[45 FR 3491, Jan. 17, 1980, as amended by 51 FR 33837, Sept. 23, 1986]

§ 2412.5 Individual access requests.

(a) Any individual who desires to inspect or receive copies of any record pertaining to the individual which is contained in a system of records maintained by the Authority, the General Counsel and the Panel must submit a written request reasonably identifying the records sought to be inspected or copied as follows:

(1) If the system of records is located in a regional office of the Authority, it should be made to the appropriate Regional Director; and

(2) If the system of records is located in the offices of the Authority, the General Counsel or the Panel in Washington, D.C., it should be made to the Director of Administration of the Authority, Washington, D.C.

(b) The request shall be in writing and should be clearly and prominently identified as a Privacy Act request. If the request is submitted by mail or otherwise submitted in an envelope or other cover, it should bear the legend "Privacy Act Request" on the envelope or other cover. If a request does not comply with the provisions of this paragraph, it shall not be deemed received until the time it is actually received by the appropriate Regional Director or the Director of Administration of the Authority, as appropriate.

(c) An individual seeking access to a record may, if desired, be accompanied by another person during review of the records. If the requester does desire to be accompanied by another person during the inspection, the requester must sign a statement, to be furnished to the Authority, the General Counsel or the Panel representative, as appropriate, at the time of the inspection, authorizing such other person to accompany the requester.

(d) Satisfactory identification (i.e., employee identification number, current address, and verification of signature) must be provided to the Authority, the General Counsel or the Panel representative, as appropriate, prior to review of the record.

[45 FR 3491, Jan. 17, 1980, as amended by 51 FR 33837, Sept. 23, 1986]

§ 2412.6 Initial decision on access requests.

(a) Within ten (10) working days of the receipt of a request pursuant to § 2412.5, the appropriate Regional

Director or the Director of Administration of the Authority, as appropriate, shall make an initial decision whether the requested records exist and whether they will be made available to the person requesting them. That initial decision shall immediately be communicated, in writing or other appropriate form, to the person who has made the request.

(b) Where the initial decision is to provide access to the requested records, the above writing or other appropriate communication shall:

(1) Briefly describe the records to be made available;

(2) State whether any records maintained, in the system of records in question, about the individual making the request are not being made available;

(3) State that the requested records will be available during ordinary office hours at the appropriate regional office or offices of the Authority, the General Counsel or the Panel, as appropriate; and

(4) State whether any further verification of the identity of the requesting individual is necessary.

(c) Where the initial decision is not to provide access to requested records, the appropriate Regional Director or the Director of Administration of the Authority, as appropriate, shall by writing or other appropriate communication explain the reason for that decision. The appropriate Regional Director or the Director of Administration of the Authority, as appropriate, shall only refuse to provide an individual access where:

(1) There is inadequate verification of identity under § 2412.5(d);

(2) In fact no such records are maintained; or

(3) The requested records have been compiled in a reasonable anticipation of civil or criminal action or proceedings.

[45 FR 3491, Jan. 17, 1980, as amended by 51 FR 33837, Sept. 23, 1986]

§ 2412.7 Special procedures; medical records.

(a) If medical records are requested for inspection which, in the opinion of the appropriate Regional Director or the Director of Administration of the Authority, as appropriate, may be harmful to the requester if personally inspected by such person, such records will be furnished only to a licensed physician designated to receive such records by the requester. Prior to such disclosure, the requester must furnish a signed written authorization to make such disclosure and the physician must furnish a written request for the physician's receipt of such records to the

appropriate Regional Director or the Director of Administration of the Authority, as appropriate.

(b) If such authorization is not executed within the presence of an Authority, General Counsel or Panel representative, the authorization must be accompanied by a notarized statement verifying the identification of the requester.

[45 FR 3491, Jan. 17, 1980, as amended by 51 FR 33837, Sept. 23, 1986]

§ 2412.8 Limitations on disclosures.

(a) Requests for records about an individual made by person other than that individual shall also be directed as follows:

(1) If the system of records is located in a regional office of the Authority, it should be made to the appropriate Regional Director; and

(2) If the system of records is located in the offices of the Authority, the General Counsel or the Panel in Washington, D.C., it should be made to the Deputy Director of Administration of the Authority, Washington, D.C.

(b) Such records shall only be made available to persons other than that individual in the following circumstances:

(1) To any person with the prior written consent of the individual about whom the records are maintained;

(2) To officers and employees of the Authority, the General Counsel and the Panel who need the records in the performance of their official duties;

(3) For a routine use compatible with the purpose for which it was collected;

(4) To any person to whom disclosure is required by the Freedom of Information Act, as amended, 5 U.S.C. 552;

(5) To the Bureau of the Census for uses pursuant to title 13 of the United States Code;

(6) In a form not individually identifiable to a recipient who has provided the Authority, the General Counsel and the Panel with adequate assurance that the record will be used solely as a statistical research or reporting record;

(7) To the National Archives of the United States or other appropriate entity as a record which has historical or other value warranting its preservation;

(8) To another agency or to an instrumentality of any governmental jurisdiction within or under control of the United States for a civil or criminal law enforcement activity that is authorized by law if the head of the agency or instrumentality has made a written request for the record to the Authority, the General Counsel or the Panel;

(9) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual, provided that notification of such a disclosure shall be immediately mailed to the last known address of the individual;

(10) To either House of Congress or to any committee thereof with appropriate jurisdiction;

(11) To the Comptroller General in the performance of the official duties of the General Accounting Office; or

(12) Pursuant to the order of a court of competent jurisdiction.

(c) The request shall be in writing and should be clearly and prominently identified as a Privacy Act request and, if submitted by mail or otherwise submitted in an envelope or other cover, should bear the legend "Privacy Act Request" on the envelope or other cover. If a request does not comply with the provisions of this paragraph, it shall not be deemed received until the time it is actually received by the appropriate Regional Director or the Director of Administration of the Authority, as appropriate.

[45 FR 3491, Jan. 17, 1980, as amended by 51 FR 33837, Sept. 23, 1986]

§ 2412.9 Accounting of disclosures.

(a) All Regional Directors of the Authority and the Director of Administration of the Authority shall maintain a record ("accounting") of every instance in which records about an individual are made available, pursuant to this part, to any person other than:

(1) Officers or employees of the Authority, the General Counsel or the Panel in the performance of their duties; or

(2) Any person pursuant to the Freedom of Information Act, as amended, 5 U.S.C. 552.

(b) The accounting which shall be retained for at least five (5) years or the life of the record, whichever is longer, shall contain the following information:

(1) A brief description of records disclosed;

(2) The date, nature and, where known, the purpose of the disclosure; and

(3) The name and address of the person or agency to whom the disclosure is made.

§ 2412.10 Requests for correction or amendment of records.

(a) After inspection of any records, if the individual disagrees with any information in the record, the individual may request that the records maintained about the individual be corrected or

otherwise amended. Such request shall specify the particular portions of the record to be amended or corrected, the desired amendment or correction, and the reasons therefor.

(b) Such request shall be in writing and directed as follows:

(1) If the system of records is located in a regional office of the Authority, it should be made to the appropriate Regional Director; and

(2) If the system of records is located in the offices of the Authority, the General Counsel or the Panel in Washington, D.C., it should be made to the Director of Administration of the Authority, Washington, D.C.

[45 FR 3491, Jan. 17, 1980, as amended by 51 FR 33837, Sept. 23, 1986]

§ 2412.11 Initial decision on correction or amendment.

(a) Within ten (10) working days from the date of receipt of a request for correction or amendment, the appropriate Regional Director or the Director of Administration of the Authority, as appropriate, will acknowledge receipt of the request and, under normal circumstances, not later than thirty (30) days from receipt of the request, will give the requesting individual notice, by mail or other appropriate means, of the decision regarding the request.

(b) Such notice of decision shall include:

(1) A statement whether the request has been granted or denied, in whole or in part;

(2) A quotation or description of any amendment or correction made to any records; and

(3) Where a request is denied in whole or in part, an explanation of the reason for that denial and of the requesting individual's right to appeal the decision to the Chairman of the Authority pursuant to § 2412.13.

[45 FR 3491, Jan. 17, 1980, as amended by 51 FR 33837, Sept. 23, 1986]

§ 2412.12 Amendment or correction of previously disclosed records.

Whenever a record is amended or corrected pursuant to § 2412.11 or a written statement filed pursuant to § 2412.13, the appropriate Regional Director or the Director of Administration of the Authority, as appropriate, shall give notice of that correction, amendment or written statement to all persons to whom the records or copies thereof have been disclosed, as recorded in the accounting kept pursuant to § 2412.9.

[45 FR 3491, Jan. 17, 1980, as amended by 51 FR 33837, Sept. 23, 1986]

§ 2412.13 Agency review of refusal to provide access to, or amendment or correction of, records.

(a) Any individual whose request for access to, or amendment or correction of, records of the Authority, the General Counsel or the Panel has been denied in whole or in part by an initial decision may, within thirty (30) days of the receipt of notice of the initial decision, appeal that decision by filing a written request for review of that decision with the Chairman of the Authority in Washington, D.C.

(b) The appeal shall describe:

(1) The request initially made by the individual for access to, or the amendment or correction of, records;

(2) The initial decision thereupon of the appropriate Regional Director or the Director of Administration; and

(3) The reasons why that initial decision should be modified by the Chairman of the Authority.

(c) Not later than thirty (30) working days from receipt of a request for review (unless such period is extended by the Chairman of the Authority for good cause shown), the Chairman of the

Authority shall make a decision, and give notice thereof to the appealing individual, whether to modify the initial decision of the Regional Director or the Director of Administration, in any way. If the Chairman of the Authority upholds the Regional Director's or Director of Administration's initial decision not to provide access to requested records or not to amend or correct the records as requested, the Chairman of the Authority shall notify the appealing individual of the individual's right:

(1) To judicial review of the Chairman of the Authority's decision pursuant to 5 U.S.C. 552a(g)(1)(A); and

(2) To file with the Authority a written statement of disagreement setting forth the reasons why the record should have been amended or corrected as requested. That written statement of disagreement shall be made a part of the record and shall accompany that record in any use or disclosure of the record.

[45 FR 3491, Jan. 17, 1980, as amended by 51 FR 33837, Sept. 23, 1986]

§ 2412.14 Fees.

(a) As provided in this part, the Authority, the General Counsel or the Panel will provide a copy of the records to the individual to whom they pertain. There will be a charge of ten cents per copy of each page.

(b) Any charges may be waived or reduced whenever it is in the public interest to do so.

§ 2412.15 Penalties.

Any person who knowingly and willfully requests or obtains any record concerning an individual from the Authority, the General Counsel or the Panel under false pretenses shall be subject to criminal prosecution under 5 U.S.C. 552a(i)(3) which provides that such person shall be guilty of a misdemeanor and fined not more than \$5,000.

FEDERAL MARITIME COMMISSION

- FMC— 1 Personnel Security File
- FMC— 2 Non-Attorney Practitioner File
- FMC— 7 Licensed Ocean Freight Forwarders File
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FMC-1

System name:

Personnel Security File-FMC.

System location:

Bureau of Investigations, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Categories of individuals covered by the system:

1. Employees of the Federal Maritime Commission. 2. Applicants for employment with the Federal Maritime Commission.

Categories of records in the system:

Results of name checks, inquiries, and investigations to determine suitability for employment with the U.S. Government, and to determine whether employment or continued employment of an individual can reasonably be expected to be clearly consistent with national security interests.

Authority for maintenance of the system:

Executive Order 10450

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The records in this system of records are used or may be used: 1. By Commission officials to make a determination that the employment of an applicant or retention of employment of a current employee within the Commission is clearly consistent with the interests of national security. 2. To refer, where there is an indication of a violation or potential violation of law, whether civil or criminal or regulatory in nature, information to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. 3. To request from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information, data relevant to a Commission decision concerning the hiring or retention of an employee or the issuance of a security clearance. 4. To provide or disclose information to a Federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. 5. By a court of law or appropriate administrative board or hearing having review or oversight authority.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in file folders.

Retrievability:

Records are indexed alphabetically by name.

Safeguards:

Records are maintained in a combination safe in the custody of the personnel security officer and access is limited to the personnel security officer and his duly authorized representatives.

Retention and disposal:

Return record copies of reports furnished by Office of Personnel Management after information has been reviewed and maintain other

FMC records on file until termination of employee from agency. Destroy within 30 days after employee leaves.

System manager(s) and address:

Security Officer, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Notification procedure:

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Record access procedures:

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of title 46 of the Code of Federal Regulations.

Contesting record procedures:

An individual desiring to amend a record shall direct such request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of title 46 of the Code of Federal Regulations.

Record source categories:

Office of Personnel Management report, and reports from other Federal agencies.

Systems exempted from certain provisions of the act:

This system is exempt from the provisions of 5 U.S.C. 552a (c)(3) and (d) which otherwise require the Commission to provide the individual named in the records an accounting of disclosures and access to and opportunity to amend the records. All information about individuals that meets the criteria of 5 U.S.C. 552a(k)(5), regarding suitability, eligibility or qualifications for Federal civilian employment or for access to classified information, to the extent that disclosure would reveal the identity of a source who furnished information to the Commission under a promise of confidentiality is exempt from disclosure. Exemption from disclosure is required to honor promises of confidentiality.

FMC-2

System name:

Non-Attorney Practitioner File-FMC.

System location:

Office of Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Categories of individuals covered by the system:

Persons, not attorneys, who apply for and/or are granted permission to practice before the Commission.

Categories of records in the system:

Application forms and letters of reference in relation to non-attorney practitioners.

Authority for maintenance of the system:

46 CFR 502.27.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The records in this system of records are used or may be used: 1. By personnel of the Secretary's Office to determine whether a non-attorney should be admitted to practice before the Commission. 2. To refer, where there is an indication of a violation or potential violation of law, whether civil or criminal or regulatory in nature, information to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. 3. To request from a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement information, data relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. 4. To provide or disclose information to a Federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in file folders.

Retrievability:

Records are indexed alphabetically by name.

Safeguards:

Records are maintained in file cabinets under the control of personnel in the Secretary's Office.

Retention and disposal:

Records are maintained in the Office of the Secretary for 10 years after applicant ceases to practice and then are transferred to the Federal Records Center. Records are destroyed 20 years thereafter.

System manager(s) and address:

Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Notification procedure:

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Record access procedures:

Request for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of title 46 of the Code of Federal Regulations.

Contesting record procedures:

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall meet the requirements of section 503.66 of title 46 of the Code of Federal Regulations.

Record source categories:

Applicants.

FMC-7

System name:

Licensed Ocean Freight Forwarders File-FMC.

System location:

Bureau of Domestic Regulation, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Categories of individuals covered by the system:

Records are maintained on sole proprietorships, partnerships and corporate licensees, exlicensees, and applicants for licenses.

Categories of records in the system:

This system contains freight forwarder names and addresses, as well as the names and addresses of the stockholders, officers, and directors of individual freight forwarders; descriptions of the relationships the freight forwarder may have with other business entities; credit references; a record of the forwarder's past experience in forwarding; and any financial information and/or criminal convictions pertinent to the licensing of the forwarder.

Authority for maintenance of the system:

5 U.S.C. 553; secs. 3, 8, 10, 11, 13, 15, 17 and 19, Shipping Act of 1984 (46 U.S.C. App. 1702, 1707, 1709, 1710, 1712, 1714, 1716 and 1718).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records in this system of records are used or may be used: 1. By Commission staff for evaluation of applications for licensing. 2. By Commission staff for monitoring the activities of licensees to ensure they are in compliance with Commission regulations. 3. To refer, where there is an indication of a violation or potential violation of law whether civil, criminal or regulatory in nature, information to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rules, regulations, or orders issued pursuant thereto. 4. To request from a Federal, State, or local agency maintaining civil, criminal or other relevant enforcement information, data relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. 5. To provide or disclose information to a Federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Storage:

Records are maintained in file folders and in a personal computer.

Retrievability:

Records are indexed by name and license or application number.

Safeguards:

Records are maintained in an area of restricted accessibility.

Retention and disposal:

Applicant and licensee files are kept as long as the application and/or license is active. Files for withdrawn and denied applicants, and revoked licenses remain in the Record Location Center for two years after final action and are then transferred to the Federal Records Center. Then, after ten years the files are destroyed.

System manager(s) and address:

Director, Bureau of Domestic Regulation, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Notification procedure:

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Record access procedures:

Requests for access to a record should be directed to the Secretary listed at the above address. Request may be in person or by mail and shall meet the requirements set out in section 503.65 of title 46 of the Code of Federal Regulations.

Contesting record procedures:

An individual desiring to amend a record shall direct such request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of title 46 of the Code of Federal Regulations.

Record source categories:

1. Information submitted by applicants and licensees. 2. Commission District Offices. 3. General Public (e.g., complaints). 4. Surety companies.

Systems exempted from certain provisions of the act:

This system is exempt from the provisions of 5 U.S.C. 552a (c)(3) and (d) which otherwise require the Commission to provide the individual named in the records an accounting of disclosures and access to and opportunity to amend the records. All information that meets the criteria of 5 U.S.C. 552a(k)(2) regarding investigatory material compiled for law enforcement purposes is exempt. Exemption is appropriate because disclosure might compromise ongoing investigations, reveal the identity of confidential sources or constitute unwarranted invasions of personal privacy of third parties.

FMC-8

System name:

Official Personnel Folder-FMC.

System location:

Office of Personnel, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

This system is covered by the Office of Personnel Management's government-wide system notice, OPM/GOVT-1.

FMC-9

System name:

Training Program Records-FMC.

System location:

Office of Personnel, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Note: This system is covered by the Office of Personnel Management's government-wide system notice, OPM/GOVT-1.

FMC-10

System name:

Desk Audit File-FMC.

System location:

Office of Personnel, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Categories of individuals covered by the system:

Current and former employees of the Federal Maritime Commission.

Categories of records in the system:

Each record consists of the position classification specialist's notes of conversations, evaluation reports, background papers, and/or research material used to support the audit.

Authority for maintenance of the system:

44 U.S.C. 3101 et seq., 5 U.S.C. 1302 and the regulations issued pursuant thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in this system of records is used or may be used: 1. By Commission officials to support decisions on the proper classification of a position. 2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, information to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. 3. To request from a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement information, data relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. 4. To provide or disclose information to a Federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. 5. By the Office of Personnel Management in the course of an investigation, or evaluating for statistical or management analysis purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Records are maintained in file folders.

Retrievability:

Records are indexed alphabetically by name.

Safeguards:

Records are maintained in locked file cabinets.

Retention and disposal:

Records are maintained as long as the position audited remains essential, current, and accurate, after which they are shredded.

System manager(s) and address:

Director of Personnel, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Notification procedure:

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Record access procedures:

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of title 46 of the Code of Federal Regulations.

Contesting record procedures:

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of title 46 of the Code of Federal Regulations.

Record source categories:

Personnel specialists of the Commission.

FMC-14**System name:**

Medical Examination File--FMC.

System location:

Office of Personnel, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Note: This system is covered by the Office of Personnel Management's government-wide system notice, OPM/GOVT-10.

FMC-15**System name:**

Service Control File--FMC.

System location:

Office of Personnel, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Categories of individuals covered by the system:

Employees of the Federal Maritime Commission.

Categories of records in the system:

This system consists of Service Record Cards (Standard Forms 7 and 7-B), and a Position Identification Strip (Standard Form 7D). This file provides summary information of organizational structure, budgeted positions, and historical and current status data on employees only for the time they have been with the Commission. The service record of each employee who leaves the agency is filed separately and retained for historical reference.

Authority for maintenance of the system:

44 U.S.C. 3101 et seq., 5 U.S.C. 1302 and the regulations issued pursuant thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The records in this system of records are used or may be used: 1. By appropriate Commission officials for personnel actions such as within grade increases, conversions to career tenure, probationary ratings, terminations of limited assignments, and expiration of authorized absences. 2. By the Office of Personnel Management in the course of an investigation of a particular employee of the Commission, or for management analysis and statistical purposes. 3. To request from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information, data relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, the issuance of a license, grant or other benefit. 4. To provide or disclose information to a Federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Records are maintained on index cards.

Retrievability:

Records are indexed alphabetically by name.

Safeguards:

Records are maintained in locked file cabinets.

Retention and disposal:

Records are maintained while the individual is employed by the Commission and are destroyed by shredding three years after separation or transfer of employee.

System manager(s) and address:

Director of Personnel, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Notification procedure:

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Record access procedures:

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of title 46 of the Code of Federal Regulations.

Contesting record procedures:

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of title 46 of the Code of Federal Regulations.

Record source categories:

Personnel specialists of the Federal Maritime Commission.

FMC-16**System name:**

Classification Appeals File-FMC.

System location:

Office of Personnel, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Note: This system is covered by the Office of Personnel Management's government-wide system notice, OPM/GOVT-9.

FMC-18

System name:

Travel Orders/Vouchers File-FMC.

System location:

Office of Budget and Financial Management, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Categories of individuals covered by the system:

Employees of the Federal Maritime Commission.

Categories of records in the system:

The record consists of the initial travel order for the individual and the subsequent travel voucher prepared from information supplied by the individual which includes hotel bills, subsistence breakdown, cab fares and air fares.

Authority for maintenance of the system:

Federal Travel Regulations FPMR 101-7 and Travel Expense Amendments Act of 1975 (5 U.S.C. 5701-5709), 44 U.S.C. 3101, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records in this system of records are used or may be used: 1. By the Commission for the authorization of travel performed by personnel of the Commission. 2. By the Commission to prepare travel vouchers for submission to the Federal Home Loan Bank Board and to maintain internal control of travel expenses within this agency. 3. To refer, where there is an indication of a violation or potential violation of law, whether civil or criminal in nature, information to the appropriate agency, whether Federal, State or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Records are maintained in file folders.

Retrievability:

Records are indexed by name or bureau.

Safeguards:

Records are maintained in locked file cabinets and monitored by the Director of the Office of Budget and Financial Management.

Retention and disposal:

The records are maintained for three years and are then destroyed by shredding.

System manager(s) and address:

Director, Office of Budget and Financial Management, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573-0001.

Notification procedure:

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Record access procedures:

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of title 46 of the Code of Federal Regulations.

Contesting record procedures:

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of title 46 of the Code of Federal Regulations.

Record source categories:

Individual to whom the record pertains, hotel bills, individual's subsistence record, and Travel Requests (Airline or train).

FMC-19

System name:

Statement of Employment and Financial Interests-FMC.

System location:

Office of the General Counsel, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573-0001.

Note: This system is covered by the Office of Personnel Management's government-wide systems notices, OPM/GOVT-4 and OPM/GOVT-8.

FMC-21

System name:

Payroll Records-Federal Maritime Commission.

System location:

Office of Thrift Supervision ("OTS"), U.S. Department of the Treasury; copies held by the FMC. (OTS holds records for the Federal Maritime Commission under contract.)

Categories of records in the system:

Varied payroll records, including, among other documents: Time and attendance cards, payment vouchers, comprehensive listing of employees, health benefits records, requests for deduction, tax forms, W-2 forms, overtime requests, leave data, retirement records. Records are used by FMC and OTS employees to maintain adequate payroll information for FMC employees, and otherwise by the FMC and OTS employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system:

31 U.S.C. generally.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a "routine use," to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use":

1. To a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract or the issuance of a license grant or other benefit.

2. To a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

3. To an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the Office of Personnel Management in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

4. To officers and employees of a Federal agency for purposes of audit.

5. To a Member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

6. To officers and employees of the Office of Thrift Supervision in connection with administrative services provided to this agency under agreement with OTS.

7. To GAO for audit; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the state, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the state, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, and 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished to the city in response to written request from an appropriate city official to the Secretary at the above address.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with section 7 of the Privacy Act, Pub. L. 93-579.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper and microfilm records are stored at the FMC. The Office of Thrift Supervision maintains computerized records.

Retrievability:

Social Security Number.

Safeguards:

Stored in guarded building; released only to authorized personnel.

Retention and disposal:

Disposition of records shall be in accordance with the OTS Records Maintenance and Disposition System.

System manager(s) and address:

Director, Office of Budget and Financial Management, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Notification procedure:

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Record access procedures:

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of title 46 of the Code of Federal Regulations.

Contesting record procedures:

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of title 46 of the Code of Federal Regulations.

Record source categories:

The subject individual; the Commission.

FMC-22

System name:

Investigatory Files-FMC.

System location:

Bureau of Investigations, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Categories of individuals covered by the system:

Records may be maintained on individuals involved in investigations and enforcement actions instituted by the Federal Maritime Commission. These individuals could include employees, owners, officers and directors of steamship companies, ocean freight forwarders, shippers, consignees, brokers and other entities associated with ocean transportation. Included would be individuals alleged to have violated the Shipping Act of 1984; the Intercoastal Shipping Act, 1933; the Shipping Act, 1916; and Public Law 89-777. Also included would be individual applicants routinely investigated in connection with licenses and certificates issued by the FMC pursuant to its statutory authority.

Categories of records in the system:

Investigative and intelligence data; documented violations; warning letters and information regarding applications for certification and licensing, if appropriate; and reports from investigative/law enforcement agencies.

Includes any information on alleged or proven violations of the statutes or parts thereof over which the FMC has jurisdiction.

Authority for maintenance of the system:

Shipping Act of 1984, Intercoastal Shipping Act, 1933 (46 U.S.C. 801 and 843), and Shipping Act, 1916.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by the FMC to carry out its functions indicates a violation or potential violation of law or contract, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to

the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed, as a routine use, to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an FMC decision concerning the assignment, hiring or retention of an individual, the issuance of a security clearance, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a Federal, State, local or international agency, in response to its request, in connection with the assignment, hiring or retention of an individual, the issuance of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

5. A record in this system or records may be disclosed as a routine use to either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of such joint committee.

6. A record in this system of records may be disclosed, as a routine use, to the Department of Justice in connection with determining whether disclosure thereof is required by the Freedom of Information Act (5 U.S.C. 552).

7. A record in this system may be transferred, as a routine use, to the Office of Personnel Management for personnel research purposes; as a data source for management information; for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained; or for related manpower studies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in paper form in filing cabinets and in a Lektriever, Series 80. Statistical data taken from record forms are maintained in a personal computer.

Retrievability:

Information filed by case of subject file. Records pertaining to individuals are accessed by reference to the Bureau of Investigation's name-relationship index system.

Safeguards:

Records are located in locked metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access. The Lektriever files are locked with a key and the key is secured in a locked file cabinet. Computer information is safeguarded with an access code. Files are maintained in buildings that have 24 hour security guards.

Retention and disposal:

(a) Bureau of Investigations-Records are retained for 7 years after case is closed, and then transferred to the Federal Records Center. Records are destroyed 14 years after case is closed. (b) Field Offices-Records are destroyed 7 years after case is closed.

System manager(s) and address:

Director, Bureau of Investigations, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Notification procedure:

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Record access procedures:

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of title 46 of the Code of Federal Regulations.

Contesting record procedures:

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of title 46 of the Code of Federal Regulations.

Record source categories:

Individual shippers, carriers, freight forwarders, those authorized by the individual to furnish information, trade sources, investigative agencies, investigative personnel of the Bureau of Investigations and other sources of information.

Systems exempted from certain provisions of the act:

This system is exempt from the provisions of 5 U.S.C. 552a(c)(3) and (d) which otherwise require the Commission to provide the individual named in the records an accounting of disclosures and access and opportunity to amend the records. All information that meets the criteria of 5 U.S.C. 552a(k)(2) regarding investigative material compiled for law enforcement purposes is exempt. Exemption is appropriate because disclosure might compromise ongoing investigations, reveal the identity of confidential sources or constitute unwarranted invasions of personal privacy of third parties.

Appendix

Los Angeles District, U.S. Customs House Building, 300 S. Ferry Street, Room 2040A, P.O. Box 3184, Terminal Island Station, San Pedro, CA 90731

Miami District, 1001 North America Way, Room 115, Miami, FL 33132

New Orleans District, 600 South Maestri Place, Room 1035, P.O. Box 30550, New Orleans, LA 70190-0550

New York District, 6 World Trade Center, Suite 614, New York, NY 10048-0949

Houston District, 4141 East Beltway 8, Suite 102, Houston, TX 77032

Puerto Rico District, U.S. District Courthouse, Federal Office Building, Room 762, Carlos Chardon Street, Hato Rey, PR 00918-2254

San Francisco District, 525 Market Street, 35th Floor, Suite 3510, San Francisco, CA 94105

FMC-23**System name:**

Parking Applications-FMC.

System location:

Office of Administrative Services, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Categories of individuals covered by the system:

Employees and their carpool members desiring agency controlled parking.

Categories of records in the system:

Names; office locations and telephone numbers; home addresses; make, year, model, and license number of vehicles; carpool usage; handicap and special designation; signatures.

Authority for maintenance of the system:

Federal Property Management Regulations sections 101-20.111 and 101-20.117.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by Agency employees responsible for allocation and control of parking spaces, and to assist in creating carpools.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Records are maintained in file folders.

Retrievability:

By applicant name or space assignment.

Safeguards:

Records are maintained in a file cabinet in a locked room, with 24 hour building security guards.

Retention and disposal:

Records voided upon update or parking permit cancellation. Files destroyed after second overall reallocation of permits.

System manager(s) and address:

Director, Office of Administrative Services, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573-0001.

Notification procedure:

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Record access procedures:

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and

shall meet the requirements set out in section 503.65 of title 46 of the Code of Federal Regulations.

Contesting record procedures:

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of title 46 of the Code of Federal Regulations.

Record source categories:

Individuals to whom the records pertain.

FMC-24**System name:**

Informal Inquiries and Complaints Files-FMC.

System location:

Office of Informal Inquiries and Complaints, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Categories of individuals covered by the system:

Consumers complaining against business entities regulated by the Commission.

Categories of records in the system:

Copies of complaints and correspondence developed in their resolution, complaint tracking logs.

Authority for maintenance of the system:

Executive Order 12160, September 26, 1979.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in this system of records is used or may be used: 1. To determine whether a complaint can be resolved by staff in various bureaus and offices. 2. To determine whether a complaint can be resolved by a business entity regulated by the Commission. 3. To determine whether the complaint can be resolved by reference to another agency at the Federal, State or local level. 4. To provide information to the Commission on developments or trends in the character of complaints which might suggest policy directions, proposed rules or programs.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Records are maintained in file folders.

Retrievability:

Records are serially numbered and indexed by complainant and defendant.

Safeguards:

Records are maintained in locked file cabinets.

Retention and disposal:

Records are maintained by the Federal Maritime Commission for one year, then transferred to the National Records Center. They are destroyed when four years old.

System manager(s) and address:

Director, Office of Informal Inquiries and Complaints, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573-0001.

Notification procedure:

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Record access procedures:

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of title 46 of the Code of Federal Regulations.

Contesting record procedures:

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of title 46 of the Code of Federal Regulations.

Record source categories:

Consumers who have filed complaints.

Systems exempted from certain provisions of the act:

This system is exempt from the provisions of 5 U.S.C. 552a (c)(3) and (d) which otherwise require the Commission to provide the

individual named in the records an accounting of disclosure and access and opportunity to amend the records. All information that meets the criteria of 5 U.S.C. 552a(k)(2) regarding investigatory material compiled for law enforcement purposes is exempt. Exemption is appropriate because disclosure might compromise ongoing investigations, reveal the identity of confidential sources or constitute unwarranted invasions of personal privacy of third parties.

FMC-25

System name:

Inspector General File-FMC.

System location:

Office of The Inspector General ("OIG"), Federal Maritime Commission ("FMC"), 1100 L Street NW., Washington, DC 20573-0001.

Categories of individuals covered by the system:

Individuals and entities who are or have been the subjects of audits and/or investigations conducted by the OIG, including present and former FMC employees; consultants, contractors, and subcontractors and their employees; and other individuals and entities doing business with the FMC.

Categories of records in the system:

A. Case Index. Selected information from each case file indexed by case file number, and case title which may include names of subjects of audits and investigations.

B. Hard Copy Files—1. Investigative Case Files. Case files developed during investigations of known or alleged fraud, abuse, irregularities, and violations of laws and regulations. Cases relate to agency personnel and programs and operations administered by the agency, including contractors and others having a relationship with the agency. This includes investigative files relating to employee and hotline complaints, and other miscellaneous complaint files. Files consist of investigative reports and related documents, such as correspondence, notes, attachments, and working papers.

a. Files containing information or allegations which are of an investigative nature but do not relate to a specific investigation. They include anonymous or vague allegations not warranting an investigation, matters referred to constituents or other agencies for handling, and support files providing general information which may prove useful in Inspector General investigations.

b. All other investigative case files.

2. Audit Case Files. Case files of internal audits of agency programs, operations, and procedures, and of external audits of contractors. Consists of audit reports, correspondence, memoranda, and supporting working papers.

Authority for maintenance of the system:

The Inspector General Act of 1978 (5 U.S.C. App. 3), as amended by Pub. L. 100-504: 44 U.S.C. 3101 et seq.; Commission Order No. 113.

Purpose(s):

The records maintained in the system are used by the OIG in furtherance of the responsibilities of the Inspector General, pursuant to the Inspector General Act of 1978, as amended, to conduct and supervise audits and investigations relating to programs and operations of the FMC; to promote economy, efficiency, and effectiveness in the administration of such programs and operations; and to prevent and detect fraud and abuse in such programs and operations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The records in the system may be used and disseminated to further the purposes described above. The following routine uses apply to the records maintained in this system:

A. A record may be disclosed to an individual, or to a Federal, State, local, or international agency when necessary to further the ends of a legitimate investigation or audit.

B. A record which indicates either by itself or in combination with other information within the agency's possession, a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto, or which indicates a violation or potential violation of a contract, may be disclosed to the appropriate agency, whether Federal, State, local, or international, charged with the responsibility of investigating or prosecuting such violation, or of enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, or of enforcing the contract.

C. A record may be disclosed to a Federal, State, local or international agency, in response to its request, in connection with the assignment, hiring, or retention of an individual, the issuance of a security clearance, the reporting of an investigation of an individual,

the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

D. A record may be disclosed to a Member of Congress who submits an inquiry on behalf of an individual, when the Member of Congress informs the FMC that the individual to whom the record pertains has authorized the Member of Congress to have access to the record. In such cases, the Member of Congress has no more right to the record than does the individual.

E. A record may be disclosed to the Office of Government Ethics for any purpose consistent with that Office's mission, including the compilation of statistical data.

F. A record may be disclosed to the U.S. Department of Justice in order to obtain that Department's advice regarding an agency's disclosure obligation under the Freedom of Information Act.

G. A record may be disclosed to the Office of Management and Budget in order to obtain that Office's advice regarding an agency's obligations under the Privacy Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The case index is stored on a hard disk on a standalone, lockable, personal computer. The hard copy files are stored in file folders. All records are stored under secured conditions.

Retrievability:

Records in the case index are retrieved by case title which may include the name of the subject of an investigation and by case number. Records in the hard copy files are retrieved by case numbers.

Safeguards:

Direct access is limited to authorized staff of the OIG. Additional access within FMC is limited to authorized officials on a need-to-know basis. All records, when not in a possession of an authorized individual are stored in locked cabinets or a locked, standalone, personal computer in a locked room.

Retention and disposal:

1. (a) Files containing information or allegations which are of an investigative nature but do not relate to a specific investigation are retained for five years.

(b) Other investigative case files are retained for ten years

2. Audit case files are retained for eight years after case is closed.

System manager(s) and address:

Inspector General, Office of The Inspector General, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Notification procedure:

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001. However, see Exemption section below.

Record access procedures:

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of title 46 of the Code of Federal Regulations. However, see Exemption section below.

Contesting record procedures:

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of title 46 of the Code of Federal Regulations. However, see Exemption section below.

Record source categories:

Agency employees, reports and contracts from other agencies, and internal and external documents.

Systems exempted from certain provisions of the act:

This system is exempt from the provisions of 5 U.S.C. 552a (c)(3) and (d) which otherwise require the Commission to provide the individual named in the records an accounting of disclosures and access to and opportunity to amend the records. The scope of the exemption follows:

1. All information that meets the criteria of 5 U.S.C. 552a(k)(2) regarding investigatory material compiled for law enforcement purposes. Exemption is appropriate because disclosure might compromise ongoing investigations, reveal the identity of confidential

sources or constitute unwarranted invasions of personal privacy of third parties.

2. All information about individuals that meets the criteria of 5 U.S.C. 552a(k)(5), regarding suitability, eligibility or qualifications for Federal civilian employment or for access to classified information, to the extent that disclosure would reveal the identity of a source who furnished information to the Commission under a promise of confidentiality. Exemption from disclosure is required to honor promises of confidentiality.

Effective date: Feb. 26, 1990.

FMC-26

System name:

Administrative Grievance File-FMC

System location:

Office of Personnel, Federal Maritime Commission, 1100 L Street NW, Washington, DC 20573-0001.

Categories of individuals covered by the system:

Any employee of the Federal Maritime Commission including any former employee for whom a remedy can be provided (subject to the exclusions in 5 CFR 771.206(b)) who has filed a grievance with the agency (alleging that coercion, reprisal, or retaliation has been practiced against him or her).

Categories of records in the system:

Administrative Grievance Files contain all documents related to a particular grievance, including but not limited to any statements of witnesses, records or copies thereof, the report of the hearing when one is held, statements made by the parties to the grievance, and the decision.

Authority for maintenance of the system:

5 U.S.C. 1302, 3301, 3302, 7301, E.O. 9830, 3 CFR 1943-1948 Comp., pp. 606-624; E.O. 11222, 3 CFR 2964-2969 Comp., p. 306., 5 CFR 293.202.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in this system of records is used or may be used: 1. By Commission officials designated as grievance examiners for the purpose of adjudication, by the Director of EEO in the event of an investigation when the EEO complaint relates to the grievance, or for information concerning the outcome of the grievance. 2. By the Office of Personnel Management in the course of an investigation of a particular employee of the Commission, for statistical analysis purposes, or for program compliance checks. 3. By the Merit Systems Protection Board if necessitated by an appeal. 4. By the appropriate District Court of the United States to render a decision when the Commission has refused to release a current or former employee's record under the Freedom of Information Act. 5. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, information to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rules, regulation or order issued pursuant thereto. 6. To request from a Federal, State, or local agency maintaining civil, criminal or other relevant enforcement information, data relevant to a Commission decision concerning the hiring or retention of an employee. 7. To provide or disclose information to a Federal agency in response to its request in connection with the hiring or retention of an employee, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. 8. By the employee or his/her designated representative in order to gather or provide information necessary to process the grievance.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in file folders.

Retrievability:

Records are indexed alphabetically by name.

Safeguards:

Records are stored in locked file cabinets.

Retention and disposal:

The Administrative Grievance File is maintained for three years after the decision is issued and is then shredded.

System manager(s) and address:

Director of Personnel, Federal Maritime Commission, 1100 L Street NW, Washington, DC 20573-0001.

Notification procedure:

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street NW, Washington, DC 20573-0001.

Record access procedures:

Requests for access to a record should be directed to the Secretary, listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of title 46 of the Code of Federal Regulations.

Contesting record procedures:

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of title 46 of the Code of Federal Regulations.

Record source categories:

Information is supplied by the individual to whom the record pertains and/or by his or her representative, personnel specialists, grievance examiners, and any parties providing information bearing directly on the grievance.

Systems exempted from certain provisions of the act:

This system is exempt from the provisions of 5 U.S.C. 552a(c)(3) and (d) which otherwise require the Commission to provide the individual named in the records an accounting of disclosures and access and opportunity to amend the records. (1) All information that meets the criteria of 5 U.S.C. 552a(k)(2) regarding investigatory material compiled for law enforcement purposes is exempt. Exemption is appropriate because disclosure might compromise ongoing investigations, reveal the identity of confidential sources or constitute unwarranted invasions of personal privacy of third parties. (2) All information about individuals that meets the criteria of 5 U.S.C. 552a(k)(5), regarding suitability, eligibility or qualifications for Federal civilian employment or for access to classified information, to the extent that disclosure would reveal the identity of a source who furnished information to the Commission under a promise of confidentiality is exempt. Exemption from disclosure is required to honor promises of confidentiality.

FMC-28

System name:

Equal Employment Opportunity Complaint Files-FMC.

System location:

Office of Equal Employment Opportunity, Federal Maritime Commission, 1100 L Street NW, Washington, D.C. 20573-0001.

Note: This system of records is covered by the Equal Employment Opportunity Commission's Government-wide systems notice, EEOC/GOVT-1.

FMC-29

System name:

Employee Performance File System Records-FMC.

System location:

Office of Personnel, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Note: This system of records is covered by the Office of Personnel Management's Government-wide systems notice, OPM/GOVT-2.

FMC-30

System name:

Procurement Integrity Certification Files-FMC.

System location:

Bureau of Administration, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Categories of individuals covered by the system:

Current and former officials and employees of the Federal Maritime Commission and relevant outside contractors.

Categories of records in the system:

Records include certifications by affected individuals that they will not engage in activities prohibited by applicable statutes, regulations and contracts. Records include information on individuals, including name and title. This system does not include official personnel files covered by the Office of Personnel Management's systems of records OPM/GOVT-1 through 10.

Authority for maintenance of the system:

Office of Federal Procurement Policy Act Amendments of 1988 (Pub. L. 100-679), (41 U.S.C. 423); and the Federal Acquisition Regulations (FAR). Effective December 1, 1989, Section 27 of Pub. L. 100-679 and implementing sections of the FAR were suspended for one (1) year, i.e., until November 30, 1990. See section 307 of the Ethics Reform Act of 1989 (Pub. L. 101-194) and Federal Acquisition Circular 84-54 of December 8, 1989 (54 FR 50718). Records maintained under the "Procurement Integrity Certification Files", however, include certifications made before December 1, 1989, as well as certifications not involving the suspended matter.

Purpose(s):

The system is established to maintain records on officials and employees affected by the Office of Federal Procurement Policy Act Amendments of 1988, specifically Section 27 dealing with Procurement Integrity; the non-disclosure provisions of the FAR, and the contract for development of the Commission's Automated Tariff Filing and Information (ATFI) system.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records in this system of records may be used to disclose information to:

1. A Federal, State, local, or foreign agency responsible for investigating, prosecuting, enforcing, or carrying out a statute, rule, regulation, or order, where the Federal Maritime Commission becomes aware of a violation or potential violation of civil or criminal law or regulation.
2. Another Federal agency or a court when the Government is party to a judicial proceeding.
3. A requesting Federal agency in connection with hiring or retaining an employee; issuing a security clearance; reporting an employee investigation; clarifying a job; letting a contract; or issuing a license, grant or other benefit by the requesting agency where the information is relevant and necessary for a decision.
4. The Merit Systems Protection Board officials, including the Office of Special Counsel; the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission in performing their duties.
5. An appeal, grievance, or formal complaints examiner, equal employment opportunity investigator, arbitrator, exclusive representative, or other official engaged in investigating or settling a grievance, complaint, or appeal filed by an employee.
6. The Office of Personnel Management (OPM) under the agency's responsibility for evaluating Federal personnel management. When official personnel records in the custody of the FMC are covered in systems of records published by the Office of Personnel Management as Government-wide records, they are considered part of that system. Other official personnel records covered by notices published by the FMC are separate systems of records and may be transferred to OPM under official personnel programs and activities as a routine use.

7. A record may be disclosed to a Member of Congress who submits an inquiry on behalf of an individual, when the Member of Congress informs the FMC that the individual to whom the record pertains has authorized the Member of Congress to have access to the record. In such cases, the Member of Congress has no more right to the record than does the individual.

8. An expert, a consultant, or contractor of the FMC in performing a Federal duty.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed at the described location by name.

Safeguards:

Records stored in lockable file cabinets, lockable desk drawers, and/or secured rooms.

Retention and disposal:

The period the record is to be retained is pending National Archives and Records Administration approval. No copies of records are kept in this system after the original or any copies are purged. When an employee leave the agency through transfer or separation, the records are immediately forwarded to the office maintaining the official folder.

System manager(s) and address:

Director, Bureau of Administration, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573-0001.

Notification procedure:

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

Record access procedures:

Requests for access to a record should be directed to the Secretary, listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of title 46 of the Code of Federal Regulations.

Contesting record procedures:

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of title 46 of the Code of Federal Regulations.

Record source categories:

Individuals, supervisors, or personnel records.
Effective date: Feb. 26, 1990.

Title 46—Shipping

Chapter IV—Federal Maritime Commission

PART 503—PUBLIC INFORMATION

Subpart G—Access to Any Record of Identifiable Personal Information

Sec.

- 503.60 Definitions.
- 503.61 Conditions of disclosure.
- 503.62 Accounting of disclosures.
- 503.63 Request for information.
- 503.64 Commission procedure on request for information.
- 503.65 Request for access to records.
- 503.66 Amendment of a record.
- 503.67 Appeals from denial of request for amendment of a record.
- 503.68 Exemptions.
- 503.69 Fees.

Subpart G—Access to Any Record of Identifiable Personal Information

Authority: Privacy Act of 1974 (Sec. (f), Publ. L. 93-579, 88 Stat. 1897 (5 U.S.C. 552a.))
Source: G.O. 22, Amdt. 6, 40 FR 40036, Aug. 29, 1975, unless otherwise noted.

§ 503.60 Definitions.

For the purpose of this subpart:

(a) "Agency" means each authority of the government of the United States as defined in 5 U.S.C. 551(1) and shall include any executive department, military department, government corporation, government controlled corporation or other establishment in the executive branch of the government (including the Executive Office of the President), or any independent regulatory agency.

(b) "Commission" means the Federal Maritime Commission.

(c) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence to whom a record pertains.

(d) "Maintain" includes maintain, collect, use, or disseminate.

(e) "Person" means any person not an individual and shall include, but is not limited to, corporations, associations, partnerships, trustees, receivers, personal representatives, and public or private organizations.

(f) "Record" means any item, collection, or grouping of information about an individual that is maintained by the Federal Maritime Commission including but not limited to his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol or other identifying particular assigned to the individual such as a finger or voice print, or a photograph.

(g) "Routine use" means (with respect to the disclosure of a record), the use of such records for a purpose which is compatible with the purpose for which it was collected.

(h) "Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual but shall not include matter pertaining to the Census as defined in 13 U.S.C. 8.

(i) "System of records" means a group of any records under the control of the Commission from which information is retrieved by the name of the individual or by some identifying number, symbol or other identifying particular assigned to the individual.

§ 503.61 Conditions of disclosure.

(a) Subject to the conditions of paragraphs (b) and (c) of this section, the Commission shall not disclose any record which is contained in a system of records, by any means of communication to any person or other agency who is not an individual to whom the record pertains.

(b) Upon written request or with prior written consent of the individual to whom the record pertains, the Commission may disclose any such record to any person or other agency.

(c) In the absence of a written consent from the individual to whom the record pertains, the Commission may disclose any such record provided such disclosure is:

(1) To those officers and employees of the Commission who have a need for the record in the performance of their duties;

(2) Required under the Freedom of Information Act (5 U.S.C. 552);

(3) For a routine use;

(4) To the Bureau of Census for purposes of planning or carrying out a census or survey or related activity under the provisions of Title 13 of the United States Code;

(5) To a recipient who has provided the Commission with adequate advance written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity authorized by law, provided the head of the agency or instrumentality has made a prior written request to the Assistant Managing Director of the Commission specifying the particular record and the law enforcement activity for which it is sought;

(8) To either House of Congress, and to the extent of a matter within its jurisdiction, any committee or subcommittee, or joint committee of Congress;

(9) To the Comptroller General, or any of his authorized representatives in the course of the performance of the duties of the GAO; or

(10) Under an order of a court of competent jurisdiction.

§ 503.62 Accounting of disclosures.

(a) The Assistant Managing Director shall make an accounting of each disclosure by him of any record contained in a system of records in accordance with 5 U.S.C. 552a(c) (1) and (2).

(b) Except for a disclosure made under § 503.61(c)(7) of this subpart the Assistant Managing Director shall make the accounting described in paragraph (a) of this section available to any individual upon written request made in accordance with § 503.63 (b) or (c) of this subpart.

(c) The Assistant Managing Director shall make reasonable efforts to notify an individual when any record which pertains to him is disclosed to any person under compulsory legal process when such process becomes a matter of public record.

§ 503.63 Request for information.

(a) Upon request in person or by mail made in accordance with the provisions of paragraph (b) or (c) of the section, any individual shall be informed whether or not any Commission system of records contains a record pertaining to him.

(b) Any individual requesting such information in person shall present himself at the Office of the Assistant Managing Director, Federal Maritime Commission, 1100 L Street, NW, Washington, D.C. 20573 and shall:

(1) Provide information sufficient in the opinion of the Assistant Managing Director to identify the record, e.g. the individual's own name, date of birth, place of birth, etc.;

(2) Provide identification acceptable to the Assistant Managing Director to

verify the individual's identity; e.g. driver's license, employee identification card or medicare card;

(3) Complete and sign the appropriate form provided by the Assistant Managing Director.

(c) Any individual requesting such information by mail shall address such request to the Assistant Managing Director, Federal Maritime Commission, 1100 L Street, NW, Washington, D.C. 20573 and shall include in such request the following:

(1) Information sufficient in the opinion of the Assistant Managing Director to identify the record, e.g. the individual's own name, date of birth, place of birth, etc.;

(2) A signed notarized statement to verify his identity.

§ 503.64 Commission procedure on request for information.

Upon request for information made in accordance with § 503.63 of this subpart, the Assistant Managing Director or his delegate shall within 10 days (excluding Saturdays, Sundays, and legal public holidays), furnish in writing to the requesting party notice of the existence or nonexistence of any records described in such request.

[C.O. 22, Amdt. 7, 41 FR 9153, Mar. 3, 1976]

§ 503.65 Request for access to records.

(a) *General.* Upon request by any individual made in accordance with the procedures set forth in paragraph (b) of this section, such individual shall be granted access to any record pertaining to him which is contained in a Commission system of records. However, nothing in this section shall allow an individual access to any information compiled by the Commission in reasonable anticipation of a civil or criminal action or proceeding.

(b) *Procedures for requests for access to records.* Any individual may request access to a record pertaining to him in person or by mail in accordance with paragraph (b) (1) and (2) of this section.

(1) Any individual making such request in person shall present himself at the Office of the Assistant Managing Director, Federal Maritime Commission, 1100 L Street, NW, Washington, D.C. 20573 and shall:

(i) Provide identification acceptable to the Assistant Managing Director to verify the individual's identity, e.g. driver's license, employee identification card, or medicare card; and

(ii) Complete and sign the appropriate form provided by the Assistant Managing Director.

(2) Any individual making a request for access to records by mail shall

address such request to the Assistant Managing Director, Federal Maritime Commission, 1100 L Street, NW, Washington, D.C. 20573 and shall include therein a signed notarized statement to verify his identity.

(3) Any individual requesting access to records under this section in person may be accompanied by a person of his own choosing while reviewing the record requested. If an individual elects to be so accompanied, he shall notify the Assistant Managing Director of such election in his request and shall provide a written statement authorizing disclosure of the record in the presence of the accompanying person. Failure to so notify the Assistant Managing Director in a request for access shall be deemed to be a decision by the individual not to be accompanied.

(c) *Commission determination of requests for access.* (1) Upon request made in accordance with this section, the Assistant Managing Director or his delegate shall:

(i) Determine whether or not such request shall be granted;

(ii) Make such determination and provide notification within 10 days (excluding Saturdays, Sundays, and legal public holidays) after receipt of such request, and, if such request is granted, shall:

(iii) Notify the individual that fees for reproducing copies will be made in accordance with § 503.69.

(2) If access to a record is denied because such information has been compiled by the Commission in reasonable anticipation of a civil or criminal action or proceeding, or for any other reason, the Assistant Managing Director shall notify the individual of such determination and his right to judicial appeal under 5 U.S.C. 552a(g).

(d) *Manner of providing access.* (1) If access is granted, the individual making such request shall notify the Assistant Managing Director whether the records requested are to be copied and mailed to the individual.

(2) If records are to be made available for personal inspection, the individual shall arrange with the Assistant Managing Director a mutually agreeable time and place for inspection of the record.

(3) Fees for reproducing and mailing copies of records will be made in accordance with § 503.69 of this subpart.

[C.O. 22, 32 FR 8407, June 13, 1967, as amended by Amdt. 7, 41 FR 9153, Mar. 3, 1976]

§ 503.66 Amendment of a record.

(a) *General.* Any individual may request amendment of a record pertaining to him according to the

procedure in paragraph (b) of this section.

(b) *Procedure to request amendment of a record.* After inspection of a record pertaining to him, an individual may file a request, in person or by mail, with the Assistant Managing Director for amendment of a record. Such request shall specify the particular portions of the record to be amended, the desired amendments and the reasons therefor.

(c) *Commission procedure on request for amendment of a record.* (1) Not later than 10 days (excluding Saturdays, Sundays, and legal public holidays) after the date of receipt of a request made in accordance with this section to amend a record in whole or in part, the Assistant Managing Director or his delegate shall:

(i) Make any correction of any portion of the record which the individual believes is not accurate, relevant, timely or complete and thereafter inform the individual of such correction; or

(ii) Inform the individual, by certified mail return receipt requested, of refusal to amend the record setting out the reasons therefor, and notify the individual of his right to appeal that determination to the Chairman of the Commission under § 503.67 of this subpart.

(2) The Assistant Managing Director shall inform any person or other agency to whom a record has been disclosed of any correction or notation of dispute made by the Assistant Managing Director with respect to such records in accordance with 5 U.S.C. 552a(c)(4) referring to amendment of a record, if an accounting of such disclosure has been made.

§ 503.67 Appeals from denial of request for amendment of a record.

(a) *General.* An individual whose request for amendment of a record pertaining to him is denied, may further request a review of such determination in accordance with paragraph (b) of this section.

(b) *Procedure for appeal.* Not later than 30 days (excluding Saturdays, Sundays and legal public holidays) following receipt of notification of refusal to amend, an individual may file an appeal to amend the record. Such appeal shall:

(1) Be addressed to the Chairman, Federal Maritime Commission, 1100 L Street, NW, Washington, D.C. 20573; and

(2) Specify the reasons for which the refusal to amend is challenged.

(c) *Commission procedure on appeal.* (1) Upon appeal from a denial to amend a record, the Chairman of the Commission or the officer designated by the Chairman to act in his absence, shall

make a determination whether or not to amend the record and shall notify the individual of that determination by certified mail return receipt requested not later than 30 days (excluding Saturdays, Sundays and legal public holidays) after receipt of such appeal, unless extended pursuant to paragraph (d) of this section.

(2) The Chairman shall also notify the individual of the provisions of 5 U.S.C. 552a(g)(1)(A) regarding judicial review of the Chairman's determination.

(3) If on appeal the refusal to amend the record is upheld, the Commission shall permit the individual to file a statement setting forth the reasons for his disagreement with the Commission's determination.

(d) The Chairman or his delegate in his absence may extend up to 30 days the time period prescribed in paragraph (c)(1) of this section within which to make a determination on an appeal from refusal to amend a record for the reason that a fair and equitable review cannot be completed within the prescribed time period.

§ 503.68 Exemptions.

The following systems of records are exempt from the provisions of 5 U.S.C. 552a(c)(3) and (d) which otherwise require the Commission to provide the individual named in the records an accounting of disclosures and access to and opportunity to amend the records. The scope of the exemptions and the reasons therefor are described for each particular system of records.

(a) *FMC—1 Personnel Security File.* All information about individuals that meets the criteria of 5 U.S.C. 552a(k)(5) regarding suitability, eligibility or qualifications for Federal civilian employment or for access to classified information, to the extent that disclosure would reveal the identity of a source who furnished information to the Commission under a promise of confidentiality. Exemption from disclosure is required to honor promises of confidentiality.

(b) *FMC—7 Licensed Ocean Freight Forwarders File.* All information that meets the criteria of 5 U.S.C. 552a(k)(2)

regarding investigatory material compiled for law enforcement purposes. Exemption is appropriate because disclosure might compromise ongoing investigations, reveal the identity of confidential sources or constitute unwarranted invasions of personal privacy of third parties.

(c) *FMC—22 Investigatory Files.* All information that meets the criteria of 5 U.S.C. 552a(k)(2) regarding investigatory material compiled for law enforcement purposes. Exemption is appropriate because disclosure might compromise ongoing investigations, reveal the identity of confidential sources or constitute unwarranted invasions of personal privacy of third parties.

(d) *FMC—24 Informal Inquiries and Complaint Files.* All information that meets the criteria of 5 U.S.C. 552a(k)(2) regarding investigatory material compiled for law enforcement purposes. Exemption is appropriate because disclosure might compromise ongoing investigations, reveal the identity of confidential sources or constitute unwarranted invasions of personal privacy of third parties.

(e) *FMC—25 Inspector General File.* (1) All information that meets the criteria of 5 U.S.C. 552a(k)(2) regarding investigatory material compiled for law enforcement purposes. Exemption is appropriate because disclosure might compromise ongoing investigations, reveal the identity of confidential sources or constitute unwarranted invasions of personal privacy of third parties.

(2) All information about individuals that meets the criteria of 5 U.S.C. 552a(k)(5) regarding suitability, eligibility or qualifications for Federal civilian employment or for access to classified information, to the extent that disclosure would reveal the identity of a source who furnished information to the Commission under a promise of confidentiality. Exemption from disclosure is required to honor promises of confidentiality.

(f) *FMC—26 Administrative Grievance File.* (1) All information that meets the criteria of 5 U.S.C. 552a(k)(2) regarding

investigatory material compiled for law enforcement purposes. Exemption is appropriate because disclosure might compromise ongoing investigations, reveal the identity of confidential sources or constitute unwarranted invasions of personal privacy of third parties.

(2) All information about individuals that meets the criteria of 5 U.S.C. 552a(k)(5), regarding suitability, eligibility or qualifications for Federal civilian employment or for access to classified information, to the extent that disclosure would reveal the identity of a source who furnished information to the Commission under a promise of confidentiality. Exemption from disclosure is required to honor promises of confidentiality.

[53 FR 4027, Feb. 11, 1988]

§ 503.69 Fees.

(a) *General.* The following Commission services are available, with respect to requests made under the provisions of this subpart, for which fees will be charged as provided in paragraphs (b) and (c) of this section:

(1) Copying records/documents.

(2) Certification of copies of documents.

(b) *Fees for services.* The fees set forth below provide for documents to be mailed with ordinary first-class postage prepaid. If a copy is to be transmitted by registered certified, air, or special delivery mail, postage therefor will be added to the basic fee. Also, if special handling or packaging is required, costs thereof will be added to the basic fee.

(1) The copying of records and documents will be available at the rate of 30 cents per page (one side), limited to size 8 1/4" x 14" or smaller.

(2) The certification and validation (with Federal Maritime Commission seal) of documents filed with or issued by the Commission will be available at \$2 for each certification.

(c) *Payment of fees and charges.* The fees charged for special services may be paid by check, draft or postal money order, payable to the Federal Maritime Commission.

FEDERAL MEDIATION AND CONCILIATION SERVICE

INDEX OF SYSTEM NAMES

FMCS/I Agency Internal Personnel Record—Agency Employee
 FMCS/II Agency Pay Records—Agency Employee
 FMCS/III Agency Personnel Security Records—Agency Employee
 FMCS/IV Arbitrator Personal Data File—Arbitrator/Arbitrator Applicant
 FMCS/V Grievance Records

FMCS—I

System name: Agency Internal Personnel Records.

System location:

National Office
 Federal Mediation and Conciliation Service
 Washington, D.C. 20427

Region 1
 Federal Mediation and Conciliation Service
 2937 Federal Building
 26 Federal Plaza
 New York, NY 10007

Region 2
 Federal Mediation and Conciliation Service
 401 Mall Building
 4th and Chestnut Streets
 Philadelphia, PA 19106

Region 3
 Federal Mediation and Conciliation Service
 Suite 400
 1422 W. Peachtree Street, NW.
 Atlanta, GA 30309

Region 4
 Federal Mediation and Conciliation Service
 1525 Superior Building
 815 Superior Avenue, N.E.
 Cleveland, OH 44114

Region 5
 Federal Mediation and Conciliation Service
 175 West Jackson Street
 16th Floor
 Chicago, IL 60604

Region 6
 Federal Mediation and Conciliation Service
 Chromalloy Plaza—Fifth Floor
 120 S. Central
 St. Louis, MO 63105

Region 7
 Federal Mediation and Conciliation Service
 50 San Francisco Street
 Suite 235
 San Francisco, CA 94133

Region 8
 Federal Mediation and Conciliation Service
 Fourth and Vine Building
 2615 Fourth Avenue
 Seattle, WA 98121

Categories of individuals covered by the system: Agency employees.

Categories of records in the system: The records in this system are Agency internal operating records used in the operation of the Agency's personnel management program. This record system contains the following files:

1. Personnel Folders—correspondence and other documents relating to employee debt, station transfer, employee evaluations, background information, and recommendations for promotion.
2. Station Transfer Requests—request forms and related documents.
3. Performance Evaluation Files—evaluations of new employees.

4. Applicant Files—where applicable, employment applications, personal resumes, correspondence relating to medical examination and conditions, qualifications or suitability for employment, documents related to verifying qualifications, rating sheet for years of qualifying experience, and interview reports of FMCS staff.

5. Employee Conduct Files—records relating to employee performance, code of conduct, and possible disciplinary/corrective action.

6. Employee Productivity Statistics—self explanatory.

Authority for maintenance of the system: Title II, Labor Management Relations Act, 1947, As Amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A. In the event that the above system of records maintained by this Agency to carry out its functions indicates a violation or potential violation of law, whether civil criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulations or order issued pursuant thereto.

B. Information within this system of records is referred to appropriate sources from which information is requested in the course of an investigation as to suitability for initial or continued employment to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.

C. Information within this system of records is referred to members of Congress to the extent necessary to answer routine letters of inquiry concerning employment applications.

Disclosures to consumer reporting agencies:

Disclosures may be made from this system of records to consumer reporting agencies that an individual is responsible for a debt to the United States. Such disclosures will be made pursuant to the Debt Collection Act of 1982 (31 U.S.C. 3711(f)) to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: These records are stored in both locked and unlocked file cabinets, depending upon the nature of the record and availability of filing equipment. Data may be retrieved by an individual's name. Access to these records is restricted to appropriate employees of the National Office and the Regional Office. Files are retained indefinitely, subject to periodic review.

System manager(s) and address:

Director of Administration
 Federal Mediation and Conciliation Service
 Washington, D.C. 20427

Notification procedure: Individuals seeking knowledge of whether the system contains information about them should direct their inquiries in writing to the Director of Administration, FMCS at the aforementioned address. All such inquiries should include the requester's name and any other information that may be helpful in locating the files.

Record access procedures: See Notification.

Record source categories: Information is obtained directly from the individual concerned, whenever possible. However, also included is information obtained from Agency personnel and occasionally from sources outside the Agency.

Systems exempted from certain provisions of the act: In order to preserve the accuracy of information necessary for determining suitability for employment, the identity of a confidential source is exempted from disclosure under 5 USC 552(a) (k) (5). The exemption is published in 29 CFR Part 1410.

FMCS—II

System name: Agency Pay Records.

System location:

Federal Mediation and Conciliation Service
 Washington, D.C. 20427

Categories of individuals covered by the system: Agency employees.

Categories of records in the system: The records in this system are used to administer the agency pay system. The records in an employee's pay file may be copies of a personnel action form, tax withhold-

ing certificates, notification of check mailing address, allotment forms, health and life insurance forms, retirement forms, and the salary clearance form. The travel records consist of a request for travel, travel authorization, travel vouchers, transportation requests, authorizations, and reimbursements for expenses incurred in connection with an official change of duty station. The system also contains computer listings reflecting pay data, leave records, and time and attendance records.

Authority for maintenance of the system: 5 USC Chapters 51, 53, and 57.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Disclosures to consumer reporting agencies:

Disclosures may be made from this system of records to consumer reporting agencies that an individual is responsible for a debt to the United States. Such disclosures will be made pursuant to the Debt Collection Act of 1982 (31 U.S.C. 3711(f)) to consumer reporting agencies as defined in the Fair Credit Reporting Act or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: These records are maintained in original/duplicate document form and filed by an individual's name. The files are contained in regular file cabinets, access to which is restricted to Budget and Finance Division personnel only. These records are maintained and disposed of in accordance with the Federal Property Management Regulation 101-11.4 (General Records Schedules 2, 6, and 9).

System manager(s) and address:

Director of Administration
Federal Mediation and Conciliation Service
Washington, D.C. 20427

Notification procedure: Individuals seeking knowledge of whether the system contains information about them should direct their inquiries to the Director of Administration, FMCS, at the aforementioned address. All such inquiries should indicate name, and any other information that may be helpful in locating the file.

Record access procedures: See above.

Record source categories: Information is obtained directly from the individual concerned.

FMCS—III

System name: Agency Personnel Security Records.

System location:

Federal Mediation and Conciliation Service
Washington, D.C.

Categories of individuals covered by the system: Agency employees.

Categories of records in the system: Various information pertaining to the background investigation and issuance of clearances.

Authority for maintenance of the system: Executive Order 10450 and 10501, or other Statutory/Regulatory requirements.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A. A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

B. The existence and date of security clearance are furnished to government agencies or private firms dealing in classified matters.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: These records are maintained in original/duplicate document form and filed by an individual's name. They are used by agency management officials in determining suitability for employment and in issuing security clearances. The files are contained in locked security file cabinets, access to which is restricted. The Agency Personnel Security Officer determines personnel who are authorized to review these records. These records are maintained and disposed of in accordance with the Federal Personnel Manual and the Federal Property Management Regulation 101-11.4 (General Records Schedule 18).

System manager(s) and address:

Agency Personnel Security Officer
Federal Mediation and Conciliation Service
Washington, D.C. 20427

Notification procedure: Individuals seeking knowledge of whether the system contains information about them should direct their inquiries to the Agency Personnel Security Officer at the above address.

Record access procedures: All inquiries relating to the Civil Service Commission background reports or national agency checks should be addressed to Director, Bureau of Personnel Investigations, U.S. Civil Service Commission, 1906 E Street, Washington, D.C. All other requests for agency security records should be directed in writing to the Director of Administration at the address provided above. All such inquiries should indicate name and any other information that may be helpful in locating the file.

Record source categories: Information is obtained directly from the individual on an application for background investigation which is furnished to the Civil Service Commission.

FMCS—IV

System name: Arbitrator Personal Data File.

System location:

Federal Mediation and Conciliation Service
Washington, D.C. 20427

Categories of individuals covered by the system: Arbitrator applicants and arbitrators.

Categories of records in the system: The first category of records consists of arbitrator applicant records (those not accepted). These records contain personal resumes, the personal data questionnaire listing education, professional background and experience, confidential and other recommendations as to acceptability, and correspondence pertaining to rejection from placement on the panel. The second category of records consists of current arbitrator files (those currently on the roster), and contain the same information as in the applicant files. In addition, such files include correspondence with an arbitrator regarding standard fee, interest in only certain cases, complaints, and other correspondence related to case handling procedures, and biographical sketches summarizing information contained in the personal data questionnaire.

Authority for maintenance of the system: Title II Labor Management Relations Act, 1947, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Biographical sketches are furnished to the parties requesting the referral of a panel of arbitrators.

They are also furnished to persons conducting research on the arbitration process in a particular area.

Data furnished by the applicant or arbitrator and other sources listed above is routinely disclosed to appropriate persons or organizations outside the agency in the course of verification or evaluation for the purpose of admittance to or retention on the roster. Data furnished by any source in the nature of a complaint or inquiry about the arbitrator's performance or qualifications are routinely referred to the appropriate person outside the agency in the course of investigating an arbitrator's eligibility for retention on the roster.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: These records are maintained in original/duplicate document form and computer tape. In either case, they are retrieved by an individual name or identification number. Access is restricted to Office of Arbitration personnel, and Management Systems personnel on a limited basis only. These files are used for purposes of referring arbitration panels to labor/management. Presently, the files are stored in lateral file cabinets. Files on active arbitrators are maintained as long as the individual is utilized for referral of panels. Arbitrator applicant files are maintained for two years. After the two year retention period, a separate listing of rejected arbitrator applicants is prepared and the file is destroyed.

System manager(s) and address:

Director of Office of Arbitration Services
Federal Mediation and Conciliation Service
Washington, D.C. 20427

Notification procedure: Individuals seeking knowledge of whether the system contains information about them should direct their inquiries in writing to the Director of Administration, FMCS, or Director of Arbitration Services, FMCS, at the aforementioned address. All such inquiries should indicate name and any other information that may be helpful in locating the file.

Record access procedures: See Notification.

Record source categories: Direct from the individual, sources furnished by the individual, or obtained by FMCS.

Systems exempted from certain provisions of the act: In order to preserve the accuracy of information necessary for determining appointment to the roster for arbitration records, the identity of a confidential source is exempted from disclosure under 5 USC 552(a)(k)(5). The exemption is published in 29 CFR Part 1410.

FMCS-V

System name: Grievance Records.

System location: These records are located in the Office of the General Counsel of the Federal Mediation and Conciliation Service.

Categories of individuals covered by the system: Current or former Federal employees who have submitted grievances with Federal Mediation and Conciliation Service in accordance with Directive 4609 of the Federal Mediation and Conciliation Service Directives Manual or under the negotiated grievance procedure for the Agency.

Categories of records in the system: The system contains records relating to grievances filed by agency employees under the above cited directive or grievance procedure for the Agency. These case files contain all documents related to the grievance including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems for employees covered by either the agency grievance procedure or the negotiated grievance procedure.

Authority for maintenance of the system: Privacy Act of 1974, Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a), and 5 CFR Part 771.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records may be used:

a. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested.

c. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the agency's decision on the matter.

d. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2908.

g. By the agency maintaining the records or the Office of Personnel Management in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

h. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

i. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

j. To provide information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders.

Retrievability: These records are retrieved by the names of the individuals on whom they are maintained.

Safeguards: These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

Retention and disposal: These records are disposed of 3 years after closing of the case. Disposal is by shredding or burning.

System manager(s) and address: General Counsel, Federal Mediation and Conciliation Service, 2100 K Street, NW, Washington, D.C. 20427

Notification procedure: It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the Office of the General Counsel regarding the existence of such records on them. They must furnish the following information for their records to be located and identified:

a. Name.

b. Approximate date of closing of the case and kind of action taken.

c. Organizational component involved.

Record access procedures: It is required that individuals submitting grievances be provided a copy of the record under the grievance process. However, after the action has been closed, an individual may request access to the official copy of the grievance file by contacting the Office of the General Counsel.

Individuals must provide the following information for their records to be located and identified:

a. Name.

b. Approximate date of closing of the case and kind of action taken.

c. Organizational component involved.

Individuals requesting access must also follow the agency's Privacy Act regulations regarding access to records and verification of identity. (29 CFR 1410.3 and 1410.4)

Contesting record procedures: Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment to their records to correct factual errors should contact the Office of the General Counsel.

Individuals must furnish the following information for their records to be located and identified:

a. Name.

b. Approximate date of closing of the case and kind of action taken.

c. Organizational component involved.

Individuals requesting amendment must also follow the Agency's Privacy Act regulations regarding amendment to records and verification of identity. (29 CFR 1410.4 and 1410.6)

Record source categories: Information in this system of records is provided:

a. By the individual on whom the record is maintained.

b. By testimony of witnesses.

c. By agency officials.

d. From related correspondence from organizations or persons.

Title 29-Labor

Chapter XII-Federal Mediation and Conciliation Service

PART 1410—PRIVACY

- Sec.
- 1410.1 Purpose and scope.
 - 1410.2 Definitions.
 - 1410.3 Individual access requests.
 - 1410.4 Requirements for identification of individuals making requests.
 - 1410.5 Special procedures: Medical records.
 - 1410.6 Requests for correction or amendment of records.
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 - 1410.8 Notation of dispute.
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 - 1410.10 Penalties.
 - 1410.11 Standards of review.
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Authority: Privacy Act 1974, Pub. L. 93-579, 88 Stat. 1896 (5 USC 552a).

Source: 40 FR 47418, Oct. 8, 1975, unless otherwise noted.

§ 1410.1 Purpose and scope.

(a) The purpose of this part is to set forth rules to inform the public about information maintained by the Federal Mediation and Conciliation Service about individuals, to inform those individuals how they may gain access to and correct or amend information about themselves, and to exempt disclosure of identity of confidential sources of certain records.

§ 1410.2 Definitions.

For the purposes of this part, unless otherwise required by the context—

(a) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(b) "Maintain" means maintain, collect, use or disseminate.

(c) "Record" means any item, collection or grouping of information about an individual that is maintained by the Federal Mediation and Conciliation Service including, but not limited to, his education, financial transactions, medical history, and criminal or employment history, that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print, or a photograph.

(d) "System of records" means a group of any records under the control of Federal Mediation and Conciliation Service from which information is retrieved by the name of the individual or by some identifying particular assigned to the individual.

§ 1410.3 Individual access requests.

(a) Individuals who desire to know whether the agency maintains a system

of records containing records pertaining to him may submit a written request to the Director of Administration, Federal Mediation and Conciliation Service, Washington, D.C. 20427. The request must include the name and address of the requestor. The Director of Administration, or his designated representative, will advise the requestor in writing within 10 working days whether the records are so maintained and the general category of records maintained within the system.

(b) Any individual who desires to inspect or receive copies of any record maintained within the system concerning him shall submit a written request to the Director of Administration, Federal Mediation and Conciliation Service, Washington, D.C. 20427, reasonably identifying the records sought to be inspected or copied.

(c) The individual seeking access to his record may also have another person accompanying him during his review of the records. If the requestor desires another person to accompany him during the inspection, the requestor must sign a statement, to be furnished to the Service representative at the time of the inspection authorizing such other person to accompany him. Except as required under the Freedom of Information Act, permitted as a routine use as published in the agency's annual notice, or for internal agency use, disclosure of records will only be made to the individual to whom the record pertains, unless written consent is obtained from that individual. The Director of Administration will verify the signature of the individual requesting or consenting to the disclosure of a record prior to the disclosure thereof to any other person by a comparison of signatures, if the request or consent is not executed within the presence of a designated Service representative.

(d) The Director of Administration or his designated representative will advise the requestor in writing within 10 working days of receipt of the request whether, to what extent, and approximately when and where access shall be granted. Within 30 days of receipt of the request, the records will be made available for review at the FMCS National Office in Washington, D.C., or one of the Regional Offices. The following is a list of the Regional Office locations:

1. Eastern Region:

Address: Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2937, New York, NY 10278.

Consists of: Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Massachusetts, New York, Puerto Rico, the

Virgin Islands, Pennsylvania, Delaware, New Jersey, Garrett and Alleghany Counties of Maryland; and Brooke and Hancock Counties of West Virginia.

2. Central Region:

Address: Insurance Exchange Building, Room 1641, 175 W. Jackson Street, Chicago, IL 60604.

Consists of: Illinois (except counties listed under the Southern Region); Indiana (except counties listed under Southern Region); Wisconsin, Minnesota, North Dakota, South Dakota, Michigan, and Ohio (except counties listed under the Southern Region).

3. Southern Region:

Address: Suite 400, 1422 W. Peachtree St., NW, Atlanta, GA 30309.

Consists of: Virginia, Maryland (except counties listed under the Eastern Region); Tennessee; North Carolina; South Carolina; Georgia; Alabama; Florida; Mississippi; Louisiana; Arkansas; Kentucky; Texas (except for Hudspeth and El Paso counties); Oklahoma; Missouri (except for those counties listed for the Western Region); Illinois (in counties of Calhoun, Greene, Jersey, McCoupin, Montgomery, Fayette, Bond, Madison, St. Clair, Monroe, Clinton, Washington, Marion, White, Hamilton, Wayne, Edwards, Wabash, Lawrence, Richland, Clay, Effingham, Jasper, and Crawford, Perry, Spencer, DuBois, Pike, Gibson, Posey, Vanderburgh, and Warrick); Ohio (the counties of Butler, Hamilton, Warren, Clermont, Brown, Highland, Clinton, Ross, Pike, Adams, Scioto, Lawrence, Ballia, Jackson, Vinton, Hocking, Athens, and Meigs); Kansas (the counties of Bourbon, Crawford, Cherokee, and Ottawa); West Virginia (except counties listed under the Central Region); and the Canal Zone.

4. Western Region:

Address: Francisco Bay Building, Suite 235, 50 Francisco Street, San Francisco, CA 94133.

Consists of: California; Nevada; Arizona; New Mexico; El Paso and Hudspeth Counties (only) in Texas; Hawaii; Guam; Alaska; Washington; Oregon; Colorado; Utah; Wyoming; Montana; Idaho; Nebraska; Kansas; Iowa; Missouri (the counties of Atchinson, Nodaway, Worth, Harrison, Mercer, Putnam, Schuyler, Scotland, Knox, Adair, Sullivan, Grundy, Daviess, Gentry, DeKalb, Andrew, Holt, Buchanan, Clinton, Caldwell, Livingston, Linn, Macon, Shelby, Randolph, Charlton, Carroll, Ray, Clay, Platt, Jackson, Lafayette, Saline, Howard, Boon, Cooper, Pettis, Johnson, Cass, Bates, Henry, St. Clair, Benton, and Morgan); American Samoa; and Wake Island.

[40 FR 47418, Oct. 8, 1975, as amended at 47 FR 10530, Mar. 11, 1982]

§ 1410.4 Requirements for identification of individuals making requests.

Satisfactory identification (i.e., employ identification number, current address, and verification of signature) must be provided to FMCS prior to review of the record. The requestor will be provided the opportunity to review the records during normal business hours.

§ 1410.5 Special procedures: Medical records.

(a) If medical records are requested for inspection which, in the opinion of the Director of Administration, may be harmful to the requestor if personally inspected by him, such records will be furnished only to a licensed physician, designated to receive such records by the requestor. Prior to such disclosure, the requestor must furnish a signed written authorization to the Service to make such disclosure and the physician must furnish a written request to the Director of Administration for the physician's receipt of such records.

(b) Verification of the requestor's signature will be accomplished by a comparison of signatures if such authorization is not executed within the presence of a Service representative.

§ 1410.6 Requests for correction or amendment of records.

(a) If the individual disagrees with the information in the record, he may request that the record be amended by addition or deletion. Such a request must be in writing and directed to the Director of Administration, Federal Mediation and Conciliation Service, Washington, D.C. 20427. The request must also specifically outline the amendment sought. The Director of Administration or his designated representative will acknowledge receipt of the request within 10 working days from the date of receipt of such request. Under normal circumstances, not later than 30 days after receipt of the request for amendments, the Director of Administration will either:

(1) Amend the record and notify the requestor in a written letter of determination to what extent the record is amended; or

(2) If the amendment or correction is denied in whole or in part, notify the requestor in a written letter of determination the reason for denial and the requestor's right to request review by the Deputy National Director.

(b) Routine requests of arbitrators maintained on the Service's roster of arbitrators to amend records for such matters as address, experience, fees charged, may be made in writing to the

Director of Arbitration Services, Washington, D.C. 20427. If such routine requests are not granted or involve other types of amendments, then the procedure to be followed is that which includes a request in writing to the Director of Administration.

§ 1410.7 Agency review of refusal to amend a record.

(a) The requestor may appeal any determination of the Director of Administration not to amend a record by submitting a written request for review of refusal to amend a record to the Deputy National Director, Washington, D.C. 20427. Such a request shall indicate the specific corrections or amendments sought. Not later than 30 days from receipt of a request for review (unless such period is extended by the National Director for good cause shown), the Deputy National Director will complete such a review and make a final determination on the request, and shall advise the requestor in a written letter of determination whether, and to what extent the correction or amendment will be made. If the correction or amendment is denied, in whole or in part, the letter of determination will specify the reasons for such denial.

(b) If the Deputy National Director makes a final determination not to amend the record, the individual may provide to the Service a concise written statement explaining the reasons for disagreement with the refusal.

(c) In addition, the individual may file a civil action in the U.S. District Court to seek an order compelling the Service to amend the record as requested.

§ 1410.8 Notation of dispute.

After an individual has filed a statement of disagreement as described in § 1410.7(b), any disclosure of the contested records must contain a notation of the dispute. In addition, a copy of the individual's statement will be provided to the person or agency to whom the disputed record is disclosed. The Service may also, but it is not required to, provide a statement reflecting the agency's reasons for not making the requested amendments.

§ 1410.9 Fees.

Upon request, the Service will provide a photostatic copy of the records to the individual to whom they pertain. There will be a charge of \$.10 per page.

§ 1410.10 Penalties.

Any person who knowingly and willfully requests or obtains any record concerning an individual from the Service under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000.

§ 1410.11 Standards of review.

Upon a request for inspection of records or a determination on a request for amendment, the Director of Administration, his designated representative, or the Deputy National Director will review the pertinent records and discard any material in them that is not:

(a) Relevant and necessary to accomplish a statutory purpose or a purpose not authorized by executive order.

(b) Accurate, relevant, timely, and complete, to assure fairness to the individual.

§ 1410.12 Specific exemptions.

With regard to Agency Internal Personnel Records and Arbitrator Personal Data Files, separately described in the system notices, such records will be exempted from section (d) of the Act as follows:

Investigatory material maintained solely for the purposes of determining an individual's qualification, eligibility, or suitability for employment in the Federal civilian service, Federal contracts, or access to classified information, but only to the extent that disclosure of such material would reveal the identity of the source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

In order to obtain accurate information pertaining to employee or arbitrator eligibility, the nondisclosure of the identity of such a confidential source is essential.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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FMSHRC-01

System name:

Payroll records—Federal Mine Safety and Health Review Commission.

System location:

General Services Administration, National Payroll Center; copies held by Commission. (GSA holds records for the Commission under contract.)

Categories of individuals covered by the system:

Employees and members of the Commission.

Categories of records in the system:

Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records; requests for deductions; tax forms and W-2 forms; overtime requests; leave data; retirement records. Records are used by the Commission and GSA employees to maintain adequate payroll information for the Commission employees, and otherwise by the Commission and GSA employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system:

31 U.S.C. "Money and Finance", generally.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See Appendix.

Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Executive Director, Federal Mine Safety and Health Review Commission, Room 612, 1730 K Street NW, Washington, D.C. 20006. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both. Pursuant to a withholding agreement between the city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Executive Director.

Disclosures to consumer reporting agencies:

Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper and microfilm.

Retrievability:

Social Security number, name, block number, symbol number.

Safeguards:

Stored in guarded building; released only to authorized personnel, including among others, GSA liaison staff and finance personnel; and the Commission administrative staff.

Retention and disposal:

Disposition of records shall be in accordance with the HB GSA Record Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address:

Administrative Officer, Federal Mine Safety and Health Review Commission, Room 640, 1730 K Street, NW, Washington, D.C. 20006.

Notification procedure:

Contact Executive Director or refer to the Commission access regulations contained in 29 CFR Part 2705.

Record access procedures:

Contact Executive Director or refer to the Commission access regulations contained in 29 CFR Part 2705.

Contesting record procedures:

Contact Executive Director or refer to the Commission access regulations contained in 29 CFR Part 2705.

Record source categories:

The subject individual; the Commission.

FMSHRC-02

System name:

General Finance and Accounting Records—Federal Mine Safety and Health Review Commission.

System location:

The Commission.

Categories of individuals covered by the system:

Employees and members of the Commission.

Categories of records in the system:

SF-1038, Application and account for advance of funds; vendor register and vendor payment. Information is used by accounting technicians to maintain adequate financial information and by other officers of the Commission who have a need for the records.

Authority for maintenance of the system:

31 U.S.C. "Money and Finance", generally.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See Appendix. Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys, pursuant to power of attorney.

Disclosures to consumer reporting agencies:

Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper and tape.

Retrievability:

Manual and automated by name.

Safeguards:

Stored in guarded building; released only to authorized personnel.

Retention and disposal:

Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address:

Administrative Officer, Federal Mine Safety and Health Review Commission, Room 640, 1730 K Street, NW, Washington, D.C. 20006.

Notification procedure:

Contact Executive Director or refer to the Commission access regulations contained in 29 CFR Part 2705.

Record access procedures:

Contact Executive Director or refer to the Commission access regulations contained in 29 CFR Part 2705.

Contesting record procedures:

Contact Executive Director or refer to the Commission access regulations contained in 29 CFR Part 2705.

Record source categories:

The subject individual; the Commission.

FMSHRC-03

System name:

General Informal Personnel Files—Federal Mine Safety and Health Review Commission.

System location:

The Commission.

Categories of individuals covered by the system:

The Commission members, staff and consultants, past and present.

Categories of records in the system:

Biographic information, correspondence with members of the Commission.

Authority for maintenance of the system:

Title 5, U.S.C. "Government Organization and Employees", generally.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosures to consumer reporting agencies:

Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). Also, see Appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper.

Retrievability:

Manual by name.

Safeguards:

Stored in lockable file cabinets, released only to authorized personnel, including among others, GSA liaison staff and the Commission administrative staff.

Retention and disposal:

Retained until no longer needed, then discarded.

System manager(s) and address:

Administrative Officer, Federal Mine Safety and Health Review Commission, Room 640, 1739 K Street, NW, Washington, D.C. 20006.

Notification procedure:

Contact Executive Director or refer to the Commission access regulations contained in 29 CFR Part 485.

Record access procedures:

Contact Executive Director or refer to the Commission access regulations contained in 29 CFR Part 2705.

Contesting record procedures:

Contact Executive Director or refer to the Commission access regulations contained in 29 CFR Part 2705.

Record source categories:

The subject individual; the Commission.

FMSHRC-04

System name:

Property Management System—Federal Mine Safety and Health Review Commission.

System location:

The Commission.

Categories of individuals covered by the system:

The Commission members and staff.

Categories of records in the system:

Description, value and location of furnishings and equipment.

Authority for maintenance of the system:

Title 40 U.S.C. 483 "Property Utilization" and 31 U.S.C. "Money and Finance", generally.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See Appendix. Records are also released to GAO for audits.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper and tape.

Retrievability:

Manual and automated by name.

Safeguards:

Stored in guarded building; released only to authorized personnel.

Retention and disposal:

Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address:

Administrative Officer, Federal Mine Safety and Health Review Commission, Room 640, 1730 K Street NW, Washington, D.C. 20006.

Notification procedure:

Contact Executive Director or refer to the Commission access regulations contained in 29 CFR Part 2705.

Record access procedures:

Contact Executive Director or refer to the Commission access regulations contained in 29 CFR Part 2705.

Contesting record procedures:

Contact Executive Director or refer to the Commission access regulations contained in 29 CFR Part 2705.

Record source categories:

The subject individual; the Administrative Office of the Commission.

FMSHRC-05

System name:

Administrative Law Judge Caseload Report, Federal Mine Safety and Health Review Commission.

System location:

The Commission.

Categories of individuals covered by the system:

Administrative Law Judge of the Commission.

Categories of records in the system:

Caseload assignments.

Authority for maintenance of the system:

Title 30 USC 823(d)(1) "Proceedings; rules of procedure; review; record" and Title 5 U.S.C. 3105 "Appointment of administrative law judges".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Chief Administrative Law Judge and Commission for case assignment; also, see Appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper.

Retrievability:

Manual by month, year and name.

Safeguards:

Stored in guarded building; released only to authorized personnel.

Retention and disposal:

Indefinite.

System manager(s) and address:

Chief Administrative Law Judge, Federal Mine Safety and Health Review Commission, Room 642, 1730 K Street, NW, Washington, D.C. 20006.

Notification procedure:

Contact Executive Director or refer to the Commission access regulations contained in 29 CFR Part 2705.

Record access procedures:

Contact Executive Director or refer to the Commission access regulations contained in 29 CFR Part 2705.

Contesting record procedures:

Contact Executive Director or refer to the Commission access regulations contained in 29 CFR Part 2705.

Record source categories:

The subject individual; the Commission.

Appendix—Federal Mine Safety and Health Review Commission ("Agency")

In the event that a system of records maintained by this Agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or

charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

A record from this system or records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to the duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this

system of records may be disclosed to the United States Office of Personnel Management in accordance with that agency's responsibility for evaluation and oversight of federal personnel management.

A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OBM Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Service Administration in connection with administrative services provided to this Agency under agreement with GSA.

Title 29—Labor

CHAPTER XXVII—FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

PART 2705—PRIVACY ACT IMPLEMENTATION

Sec.

- 2705.1 Purpose and scope.
- 2705.2 Definitions.
- 2705.3 Procedures for requests pertaining to individuals' records in a records system.
- 2705.4 Times, places, and requirements for the identification of the individual making a request.
- 2705.5 Access of requested information to the individual.
- 2705.6 Request for correction or amendment to the record.
- 2705.7 Agency review of request for correction or amendment of the record.
- 2705.8 Appeal of an initial adverse agency determination on correction or amendment of the record.
- 2705.9 Disclosure of record to a person other than the individual to whom the record pertains.
- 2705.10 Fees.

Authority: 5 U.S.C. 552a; Pub. L. 93-579.
Source: 49 FR 38542, Oct. 1, 1984.

§ 2705.1 Purposes and scope.

The purposes of these regulations are to:

- (a) Establish a procedure by which an individual can determine if the Federal Mine Safety and Health Review Commission, hereafter the "Commission", maintains a system of records which includes a record pertaining to the individual; and
- (b) Establish a procedure by which an individual can gain access to a record pertaining to him or her for the purpose of review, amendment and/or correction.

§ 2705.2 Definitions.

For the purpose of these regulations—

- (a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;
- (b) The term "maintain" includes maintain, collect, use of disseminate;
- (c) The term "record" means any item, collection or grouping of information about an individual that is maintained by the Commission, including, but not limited to, his or her employment history, payroll information, and financial transactions and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as social security number.
- (d) The term "system or records" means a group of any records under

control of the Commission from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual; and

(e) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 2705.3 Procedure for requests pertaining to individuals' records in a records system.

An individual shall submit a request to the Executive Director to determine if a system of records named by the individual contains a record pertaining to the individual. If a record pertaining to the individual does exist in the specified system of records and the individual wishes to review that record he or she shall submit a request to the Executive Director of the Commission which states the individual's desire to review his or her record.

§ 2705.4 Times, places, and requirements for the identification of the individual making a request.

An individual making a request to the Executive Director of the Commission pursuant to § 2705.3 shall present a written request at the Commission Office, 1730 K Street NW, Room 612, Washington, DC 20006, on any business day between the hour of 8:30 a.m. and 5:00 p.m. The individual submitting the request should present himself or herself at the Commission's offices with a form of identification which will permit the Commission to verify that the individual is the same individual as contained in the record requested.

§ 2705.5 Access to requested information to the individual.

As soon as practicable after verification of identity the Commission shall disclose to the individual the information contained in the record which pertains to that individual.

§ 2705.6 Request for correction or amendment to the record.

The individual shall submit a written request to the Executive Director which states the individual's desire to correct or to amend his or her record and details the specific corrections or amendments sought. This request is to be made in accord with provisions of § 2705.4.

§ 2705.7 Agency review of request for correction or amendment of the record.

Within ten working days of the receipt of the request to correct or to amend the

record, the Executive Director will acknowledge in writing such receipt and promptly either—

(a) Make any correction or amendment to that portion of the record which the individual believes is not accurate, relevant, timely, or complete; or

(b) Inform the individual of the Executive Director's refusal to correct or to amend the record in accordance with the request, and the procedures established by the Commission for the individual to request a review of that refusal.

§ 2705.8 Appeal of an initial adverse Commission determination on correction or amendment of the record.

An individual who disagrees with the refusal of the Executive Director to correct or to amend his or her record may submit a request for a review of such refusal to the Chairman, Federal Mine Safety and Health Review Commission, 1730 K Street NW, Room 610, Washington, D.C. 20006. The Chairman will, not later than thirty working days from the date on which the individual requests such review, complete such review and make final determination unless, for good cause shown, the Chairman extends such thirty-day period. If, after his or her review, the Chairman also refuses to correct or to amend the record in accordance with the request, the individual may file with the Commission a concise statement setting forth the reasons for his or her disagreement with the refusal of the Commission and may seek judicial review of the Chairman's determination under 5 U.S.C. 552a(g)(1)(A).

§ 2705.9 Disclosure of record to a person other than the individual to whom the record pertains.

The Commission will not disclose a record to any individual other than the individual to whom the record pertains without receiving the prior written consent of the individual to whom the record pertains, unless the disclosure has been listed as a "routine use" in the Commission's notices of its system of records, or falls within one of the special disclosure situations listed in the Privacy Act of 1974 [5 U.S.C. 552a(b)].

§ 2705.10 Fees.

If an individual requests copies of his or her record, he or she will be charged a reasonable fee, excluding the cost of any search for review of the record, in advance of receipt of the pages.

FEDERAL RESERVE SYSTEM

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BGFRS-1

System name: FRB—Recruiting and Placement Records.

System location: Board of Governors, Federal Reserve System, 20th and Constitution NW, Washington, D.C. 20551.

Categories of individuals covered by the system: Persons who have applied for employment with or are employed by the Federal Reserve Board.

Categories of records in the system: These records may contain information relating to the education, training, employment history and earnings, appraisal of past performance, convictions for offenses against the law; results of tests, appraisal of potential, honors, awards of fellowships; military service; veteran status, school transcripts, work samples; birth date; social security number; sipping authorizations; travel vouchers, offer letters and correspondence, reference checks, and home address of persons who have applied for Board employment or are employed by the Federal Reserve Board.

Authority for maintenance of the system: Sections 10 and 11 of the Federal Reserve Act (12 U.S.C. 244, 248(i) and 248(1)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

- a. To refer applicants for purposes of consideration for placement in positions for which an applicant has applied and is qualified. This includes various government organizations.
- b. To refer current Board employees for consideration for reassignment and promotion within the Board.
- c. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research of other personnel management functions.
- d. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether federal, state or local, charged with the responsibility of investigating or prosecuting such violation or with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
- e. To request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.
- f. To provide information or disclose to a Federal Agency, or any other employer or prospective employer in response to its request, in connection with the hiring or retention of an employee, the letting of

a contract, or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

g. To respond to a court order.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tapes, punched cards, microfilm, cards, lists, forms, and in folders.

Retrievability: Records are indexed by name, combination of birth date, social security account number, and applicable identification number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal:

- a. Files of eligibles. Retained for a minimum of one year after date of determination that no suitable position exists currently.
- b. Index cards. Destroyed when no longer needed.
- c. Cancelled and ineligible applications. Same as "a" above.
- d. Inquiries and replies regarding availability for appointment.

System manager(s) and address: Director of Personnel, Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Notification procedure: Individuals should provide name, date of birth, Social Security Number, identification number (if known), approximate date of record, and type of position with which concerned to the System Manager, address above.

Record access procedures: Individuals should provide name, date of birth, Social Security Number, identification number (if known), approximate date of record, and type of position with which concerned to the System Manager, address above.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he or she supplies, except reports from medical personnel on physical qualifications; and statements supplied by references.

Systems exempted from certain provisions of the act: Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR Part 261a), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) Such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment of the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS-2

System name: FRB Personnel Background Investigation Reports.

System location: Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Categories of individuals covered by the system: Current and former applicants for employment by the Board of Governors; Federal Reserve System employees considered for access to classified information or restricted areas; and/or security determinations as contractors, employees of contractors, experts, instructors, and consultants to the Board. Individuals who are neither applicants nor employees of the Board but are or were involved in Board programs under a cooperative assignment or similar agreement; individuals who are neither applicants nor employees of the Board but are or were involved in matters related to the operation of the Board.

Categories of records in the system: These records may contain investigative information regarding an individual's character, financial responsibility, conduct, behavior; arrests and convictions for any violations against the law; reports of interviews with former supervisors, co-workers, associates, educators, etc.; reports about the qualifications of an individual for a specific position; reports of inquiries with law enforcement agencies; former employers; education institutions attended; and other information developed from the above.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. 248(i) and 248(1)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records may be disclosed to and used as follows:

- a. To assist in determining the suitability for access to classified information.
- b. To designated officers and employees of other agencies and departments of the Federal Government, and the District of Colum-

bia Government, having an interest in the individual for employment purposes, in connection with performance of a service to the Federal Government, under a contract or other agreement, including a security clearance or access determination, and a need to evaluate qualifications, suitability, and loyalty to the United States Government.

c. To the intelligence agencies of the Department of Defense, National Security Agency, Central Intelligence Agency, and the Federal Bureau of Investigation for use in intelligence activities.

d. To any source from which information is requested by the Board in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation and to identify the type of information requested.

e. In the event of an indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; such referral shall also include, and be deemed to authorize any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing.

f. As a data source for management information for production of descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

g. To respond to a court order.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders and index cards in steel file cabinets with manipulation proof combination lock.

Retrievability: Records are indexed by name in alphabetical order.

Safeguards: Access to and use of these records are limited to those persons whose official duties require access and who have appropriate security clearance.

Retention and disposal: The indexing cards are retained indefinitely, while the reports of investigation are returned to the originating agency after separation of employment.

System manager(s) and address: Assistant Director, Division of Support Services Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Notification procedure: An individual may inquire as to whether or not the system contains a record pertaining to him or to her by addressing a written request to:

Director of Personnel, Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

The request should include the full name and date and place of birth of the individual, and any available information regarding the type of record involved, and the category of individual under which the inquirer feels he or she fits.

Record access procedures: In response to a written request by an individual to determine whether or not the system contains a record pertaining to him or to her, the Director will set forth the procedure for gaining access to the record. If the individual desires to contest the contents of a record, he or she may do so by writing to the:

Director of Personnel, Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Record source categories: Information contained in the system is obtained from the following:

1. Applications and other personnel and security forms furnished by the individual.

2. Investigative material furnished by other Federal agencies. Notices of personnel actions furnished by other Federal agencies.

3. By personal investigation or written inquiry from sources such as:

- Employers
- Schools
- References
- Neighbors
- Associates
- Police Departments
- Courts
- Credit Bureau
- Medical Records
- Probation Officials

Prison Officials

4. Newspapers, magazines, periodicals, and other publications.

5. Published hearings of Congressional Committees.

Systems exempted from certain provisions of the act: Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR Part 261a), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) Such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS-3

System name: FRB—Medical Records.

System location: Board Physician, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Categories of individuals covered by the system:

1. Applicants who have been medically examined for Board employment.

2. Applicants for disability retirement under the Civil Service Retirement Law or Federal Reserve System Retirement Plan.

3. Current and former Federal Reserve Board employees.

Categories of records in the system:

1. Information relating to an individual's medical qualifications to hold a position with the Board.

2. Medical information relating to an individual's capability (physically and mentally) to satisfactorily perform the duties of the position he or she holds or held.

3. Information relating to an employee's participation in an occupational health services program.

4. Information relating to pre-employment or periodic medical examinations to assure that the incumbent is qualified (physically and mentally) to satisfactorily perform the duties of the position.

5. Information attesting to an annuitant's state of health as required for "insurable interest" survivor annuity elections.

6. Information relating to handicaps.

7. Information relating to employee participation in the Federal Civilian Employee Alcoholism and Drug Abuse Programs.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. 248(i) and 248(l)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Information in these records is used to:

a. Determine veteran disability status.

b. Support applications for Disability Retirement.

c. Support "insurable interest" survivor annuity elections.

d. Determine suitability for employment or continued employment.

e. Assist in medical counseling.

2. Information in these records may be provided to officials of other Federal agencies responsible for Federal benefit programs administered by:

a. Office of Workmen Compensation Programs.

b. Retired Military Pay Centers.

c. Veterans Administration.

d. Social Security Administration.

e. Specific private contractors engaged in providing benefits under Federal contracts.

f. Office of Personnel Management.

3. Information in these records is used:

a. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

b. To request information from a Federal, state or local agency maintaining civil, criminal or other relevant enforcement or other pertinent information, such as a license, if necessary to obtain relevant information to the Board's decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a grant or other benefit.

c. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

d. As a data source for management information for production of descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

e. To respond to a court order.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are in folders.

Retrievability: Records are indexed by name, social security number, identification number, date of birth and/or claim number.

Safeguards:

Access to and use of these records are limited to those persons whose official duties require such access. Records are stored in lockable metal containers.

Retention and disposal:

a. Medical certificates and other medical records of examination used to determine an employee's fitness for a job 6 years after separation.

b. Miscellaneous medical records, correspondence dispensary records and similar papers, 6 months after separation.

c. Applicant's medical records, 6 years after separation.

d. Disability retirement medical files, 6 years after separation.

System manager(s) and address:

Director of Personnel, Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Notification procedure:

Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name of office or division in which currently or formerly employed, and annuity account number, if any has been assigned, to the System Manager, address above.

Record access procedures:

Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name of office or division in which currently or formerly employed, and annuity account number, if any has been assigned, to the System Manager, address above.

Record source categories:

1. The individual to whom the record pertains.
2. Personal physicians.
3. Medical institutions.
4. Official records of other Federal agencies.
5. Federal Reserve Board Official Personnel Records.
6. Federal Reserve System Personnel Management Records Systems.

Systems exempted from certain provisions of the act:

None; however, see special procedures provided at 12 CFR 261a.6.

BGFRS—4

System name: FRB—General Personnel Records.

System location: Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Categories of individuals covered by the system: Current and former employees of and consultants to the Federal Reserve Board and the surviving spouses, and children of former Board employees, if any.

Categories of records in the system: This system of records consist of a variety of documents relating to personnel actions of the Board and its determinations made about an individual for, and during the course of his employment by the Board. These records may contain information about employees and former employees relating to employment, placement, personnel actions, performance considerations and evaluations; training and development activities and plans, background investigations; reference checks; salary history and other personnel matters. It also includes minority group and medical disability designators; records relating to benefits and designation of beneficiary; emergency contact, documentation supporting personnel actions or decisions made about an individual; awards; employee parking and other information relating to the status of the individual either while considered for employment or while employed by the Board.

Authority for maintenance of the system: Sections 10 and 11 of the Federal Reserve Act (12 U.S.C. 221 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used:

a. For purposes of review in connection with appointments, transfers, promotions, reassignments, training and development needs, adverse actions, disciplinary actions, and determination of qualifications of an individual, and in assisting the individual in locating other employment.

b. For purposes of making a decision when a Board employee or former Board employee is questioning the validity of a specific document in the individual's record.

c. To respond to a court order.

d. To provide information to a prospective employer of a current or former Board employee.

e. To provide data for the automated Personnel records.

f. To provide information to a Federal agency, or any other employer or prospective employer, in response to its request in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

g. To request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information or other pertinent information to a Board decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of contract, or the issuance of a grant or other benefit.

h. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

i. As a data source of management information for production of statistical and analytical studies and reports in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

j. Determine eligibility for coverage, benefits due, and payment of benefits under the various benefits programs available to the Board and its staff.

k. Transfer information necessary to support a claim for benefits under the various benefit programs in operation at the Federal Reserve Board.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, disc, punched cards, index cards and microfilm.

Retrievability: Records are indexed by any combination of name, date of birth, Social Security Number, or identification number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require it.

Retention and disposal: The General Personnel Record is retained until five years after death or an individual achieves age 75 where he or she does not separate employment by retirement.

System manager(s) and address: For current and former Federal Reserve Board employees:

Director of Personnel, Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Notification procedure: Inquiries, including name, date of birth, and Social Security Number should be addressed to the System Manager, address above.

Record access procedures: Current and former Federal Reserve Board employees who wish to gain access to or contest their records should contact the System Manager, address above. Former Board employees should direct such a request in writing, including their name, date of birth, and Social Security Number.

Record source categories: Information in this system of records comes from the individual to whom it applies or is derived from the information the individual supplied, except information provided by Board officials. Information is also obtained from the following sources for administration of the benefits portion of the system:

1. OPM Personnel Management Records System.
2. Personnel records of other Government agencies.
3. Personnel records of Federal Reserve Banks.

Systems exempted from certain provisions of the act: Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's

regulation relating thereto (12 CFR Part 261a), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) Such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRB-3

System name: FRS—EEO Discrimination Complaint File.

System location: Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Categories of individuals covered by the system: Applicants for Board employment, current and former Board employees, and annuitants who file a complaint of discrimination or appeal a determination made by an official of the Board relating to equal employment opportunities.

Categories of records in the system: This system of records contains information or documents relating to a complaint, the decision or determination made by the Board affecting an individual under the Board's EEO regulations and procedures. The records consist of the initial complaint or appeal letters or notices to the individual, record of hearings when conducted materials placed into the record to support the decision or determination, affidavits or statements, testimonies of witnesses, investigative reports, instructions to the Board and/or individual about action to be taken to comply with decisions, and related correspondence, opinions and recommendations.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. 248(i) and 248(1)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in the records may be used:

- a. To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance.
- b. To provide information to the public on the decision of an appeal, complaint, or grievance required by the Freedom of Information Act.
- c. To respond to a court order.
- d. To adjudicate an appeal, complaint, or grievance.
- e. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.
- f. To refer, where there is an indication of a violation or potential violation of law, whether civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.
- g. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders, binders, and index cards.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: The records are maintained indefinitely.

System manager(s) and address: Director of Personnel, Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Notification procedure: Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the records. They may, however, contact the System Manager, address above. Individuals should provide their name, date of birth, and the approximate date of employment or application, and the kind of action taken by the Board when making inquiries about records.

Record access procedures:

Individuals who have appealed or filed a grievance about a decision or determination made by the Board or about conditions existing in the Board already have been provided a copy of the records. However, to gain access or contest the records in this system, individuals should contact the System Manager, address above. Individuals should provide their name, date of birth, approximate date of employment or application and the kind of action taken by the Board when requesting access to, or contest of records.

Record source categories:

- a. Individual to whom the record pertains
- b. Board employees.
- c. Affidavits or statements from employee.
- d. Testimonies of witnesses.
- e. Official documents relating to the appeal, grievance, or complaints.
- f. Correspondence from specific organizations or persons.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(2) of the Privacy Act and the Board's regulation relating thereto (12 CFR Part 261a), certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled for law enforcement purposes.

BGFRS-6

System name: FRB—Adverse Information and Action Records: Disciplinary Records.

System location: Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Categories of individuals covered by the system: Current and former Board employees, (including special employees) and annuitants who are involved in an Adverse Action; employees who suffer a withholding of a Progress Step Increase; and those employees who have creditors contacting the Board relative to credit problems.

Categories of records in the system: This system of records may contain information or documents relating to a determination made by the Board affecting an individual. The records consist of the letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimonies of witnesses, investigative reports, and related correspondence, opinions and recommendations. Letters from creditors are also contained in this system.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. 248(i) and 248(1)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in the records may be used:

- a. To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance.
- b. To provide information to the public on the decision of an appeal, complaint, or grievance required by the Freedom of Information Act.
- c. To respond to a court order.
- d. To adjudicate an appeal, complaint, or grievance.
- e. As a data source for management information for production of descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel management functions.
- f. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.
- g. To request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to a Board decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a grant or other benefit.
- h. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant or other benefit by the requesting agency to the extent that the

information is relevant and necessary to the requesting agency's decision on that matter.

i. To administer various aspects of established personnel management programs.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders, binders, index cards, magnetic tape and disk.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: The records are maintained indefinitely after cessation of employment unless deemed unnecessary, and thus destroyed.

System manager(s) and address: Director of Personnel, Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Notification procedure: Individuals should provide name, date of birth, Social Security Number, identification number (if known), approximate date of record, and type of situation with which concerned to the System Manager, address above.

Record access procedures: Individuals should provide name, date of birth, Social Security Number, identification number (if known), approximate date of record, and type of situation with which concerned to the System manager, address above.

Record source categories: a. Individual to whom the record pertains.

b. Board officials.

c. Affidavits or statements from employees.

d. Testimonies of witnesses.

e. Official documents relating to an action, appeal, grievance, or complaints.

f. Correspondence from specific organizations or persons.

Systems exempted from certain provisions of the act: None.

BGFRS-7

System name: FRB—Payroll.

System location: Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Categories of individuals covered by the system: Past and present employees and members of the Board.

Categories of records in the system: Varied payroll records including payment vouchers, comprehensive listing of employees, requests for deductions, tax forms, W-2 forms, overtime requests, leave data, workmen's compensation data.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. 248(i) and 248(l)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in the preparation of Board payroll, as input to several management reports and, from time to time, input to other contributing programs and as input boards to studies, analyses, and reports.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On tape, disk, punched cards, index cards, folders and document files.

Retrievability: Filed by name, social security number, and employee number.

Safeguards: Access is restricted to authorized personnel only. Records are stored in cabinet's and a safe. Access to computer records is restricted to authorized personnel.

Retention and disposal: Various; minimum of one year from date of annual audit; maximum of indefinite.

System manager(s) and address: Director of Personnel, Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Notification procedure: Current and former employees who wish to gain access or contest their records should contact System Manager, address above. Individuals should provide name, date of birth, social security number, and identification number (if known).

Record access procedures: Current and former employees who wish to gain access or contest their records should contact System Manager, address above. Individuals should provide name, date of birth, social security number, identification number (if known).

Record source categories: Internal personnel forms, Federal, state, and local tax forms, employee authorizations and directive forms, insurance forms, leave and overtime reports. Federal and state garnishment forms.

Systems exempted from certain provisions of the act: None.

BGFRS-8

System name: FRB—Leave Records.

System location: Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Categories of individuals covered by the system: Present employees, former employees for a period of three years following their separation from the Board.

Categories of records in the system: Contains timekeeper records, leave cards, payroll notifications, supporting memorandum, periodic leave statements, and creditable service documentation.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. 248(i) and 248(l)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as a data source for management information and payment of leave, for production of statistics and analytical studies in support of the function for which records are collected and maintained or for related personnel management functions and manpower studies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Punched card, tape, disk, index card, folder, and print out.

Retrievability: Filed by date, but may be filed by name or identifying number.

Safeguards: Stored in locked metal file cabinets, other records stored in secured limited access computer facilities.

Retention and disposal: Detailed information destroyed after two years. Summary data is a part of permanent official personnel file.

System manager(s) and address: Division of Personnel, Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Notification procedure: Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the System Manager above. Former Board employees should direct such a request in writing, including their name, date of birth, and Social Security number.

Record access procedures: Individuals wishing to gain access or contest their records should contact the System Manager, address above. Former Board employees should direct such a request in writing, including their name, date of birth, and Social Security number.

Record source categories: Records, files and forms of the Board, information provided by the employee and previous Federal Government employers.

Systems exempted from certain provisions of the act: None.

BGFRS-9

System name: FRB—Consultant and Staff Associate File.

System location: Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Categories of individuals covered by the system: Individuals retained by formal agreement, who (1) provide consulting services to the Board and (2) act as advisors to the Board, but do not maintain the independence of action necessary to meet the requirements for classification as an independent contractor.

Categories of records in the system: Documents, letters, memorandum of understanding relating to agreement, rates of pay, payment, records, vouchers, invoices, and selection; negotiation, implementation, scope and performance of work. Additional information may be found on reemployed annuitants in the FRB-General Personnel Records.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. 248(i) and 248(l)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses include, but are not restricted to, selection, monitoring, evaluation and control, audit and analysis, routine management activity, and statistical use without individual identification; verification and confirmation; and referral when used as a basis for prospective employment by employers other than the Board; to provide information or disclose to a Federal agency, or any other employer or prospective employer, in response to its request, in connection with the hiring or retention of

an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Folder, punched card, tape, disk and index card.

Retrievability: File by name, and cross index by voucher number and date, or identifying number.

Safeguards: Stored in secured area.

Retention and disposal: Indefinite.

System manager(s) and address: For Consultants:

Office of Controller, Board of Governors, Federal Reserve System, 20th and Constitution NW, Washington, D.C. 20551.
For Staff Associates:

Director of Personnel, Board of Governors, Federal Reserve System, 20th and Constitution NW, Washington, D.C. 20551.

Notification procedure: Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the records. They may, however, contact the System Manager, address above. Individuals should provide their name, date of birth, and the approximate date of employment or application, and the kind of action taken by the Board when making inquiries about records.

Record access procedures: Individuals who have appealed or filed a grievance about a decision or determination made by the Board or about conditions existing in the Board already have been provided a copy of the records. However, to gain access or contest the records in this system, individuals should contact the System Manager, address above. Individuals should provide their name, date of birth, approximate date of employment or application, and the kind of action taken by the Board when requesting access to, or contest of records.

Record source categories: Information in this system of records is obtained from the individual to whom it applies or is derived from information supplied by the individual, except information provided by Board staff, and for reemployed annuitants where the inactive General Personnel File is activated.

Systems exempted from certain provisions of the act: Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR Part 261a), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) Such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS-10

System name:

FRB—General File on Board Members.

System location: Board of Governors, Federal Reserve System, 20th and Constitution NW, Washington, D.C. 20551

Categories of individuals covered by the system:

Past and present members of the Board of Governors.

Categories of records in the system:

Biographies of past and present members of the Board, oaths of office, and miscellaneous correspondence relating to such Members.

Authority for maintenance of the system:

Section 10 of the Federal Reserve Act (12 U.S.C. 241 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used for background information to determine qualifications for appointment, reappointments, for compiling information for news releases and other publications, and for recording correspondence concerning the Governors.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records.

Retrievability:

Indexed by name.

Safeguards:

Locked in supreme power file. Access limited to Board staff on a restricted basis.

Retention and disposal:

Indefinite.

System manager(s) and address: Secretary of the Board, Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Notification procedure:

Same as System Manager, address above.

Record access procedures:

Same as System Manager, address above.

Record source categories:

Generated by individuals, incoming correspondence and staff response thereto.

Systems exempted from certain provisions of the act:

Pursuant to subsection (i)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR Part 261a), certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BCFRS-11

System name: FRB—Official General Files.

System location: Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Categories of individuals covered by the system: Correspondents with the Board and System Personnel and Fine Arts Program participants.

Categories of records in the system: Incoming and outgoing correspondence concerning Board business. Records relating to System Personnel in official capacities such as instructors, consultants, and Board representatives to various committees, conferences, etc.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. 248(i)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for reference purposes in preparing responses to inquiries from the public and used in recording official duties of System Personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Locked in Supreme power file. Access limited to Board staff on a restricted basis.

Retention and disposal: Indefinite.

System manager(s) and address: Secretary of the Board, Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Notification procedure: System Manager, address above.

Record access procedures: System Manager, address above.

Record source categories: Generated by individuals incoming correspondence and staff response thereto.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR Part 261a), certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS-12

System name: FRB—Biographical File of Federal Personnel.

System location: Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Categories of individuals covered by the system: Current and former Federal Reserve System officers, and their staff.

Categories of records in the system: This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed in the Federal Reserve System. These records contain information about an individual relating to birth date; education; veteran status; tenure; handicap; past and present salaries, grades, and position titles; personnel actions, includ-

ing but not limited to appointment, reassignment, demotion, detail, promotion, transfer, and separation; photograph, awards; and other information relating to the status of the individual.

Authority for maintenance of the system: Sections 4, 11 and 22 of the Federal Reserve Act (12 U.S.C. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

a. By Federal Reserve System officials for purposes of review in connection with appointments, transfers, promotion, reassignments, adverse actions, disciplinary actions, and determination of qualifications of an individual.

b. By the Board of Governors for purposes of making a decision when a listed employee or former listed employee is questioning the validity of a specific document in the individual's record.

c. To respond to a court order.

d. To publish name and title data for the Directory of officers of Federal Reserve Banks.

e. To provide reports to Congress, agencies, and the public on characteristics of the System work force.

f. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

g. As a data source for management information for production of summary descriptive statistic and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, punched cards and disk.

Retrievability: Records are indexed by combination of name or identification number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Retained indefinitely.

System manager(s) and address: Director of Personnel, Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Notification procedure: Inquiries, including name, date of birth, and Social Security Numbers should be addressed to the System Manager, address above.

Record access procedures: Current and former System employees who wish to gain access to and contest their records should direct such a request in writing, including their name, date of birth, and Social Security Number to the System Manager, address above.

Record source categories: Information in this system of records comes from either the individual to whom it applies, extracted from documents he supplied, or data provided by Federal Reserve System officials and employees.

Systems exempted from certain provisions of the act: None.

BGFRS-13

System name:

FRB—General File of Examiners and Assistant Examiners at Federal Reserve Banks.

System location: Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Categories of individuals covered by the system:

Past and present examiners and assistant examiners at Federal Reserve Banks.

Categories of records in the system:

Brief biographies of past and present examiners and assistant examiners, oaths of office, and miscellaneous correspondence.

Authority for maintenance of the system:

Section 11 of the Federal Reserve Act (12 U.S.C. 248(a) and 248(i)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used as background information for determining qualifications for appointment, reappointment, etc.; for compiling information for news releases and other publications, and recording correspondence concerning such persons.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records.

Retrievability:

Indexed by name.

Safeguards:

Locked in Supreme power file. Access limited to Board staff on a restricted basis.

Retention and disposal:

Indefinite.

System manager(s) and address: Secretary of the Board, Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Notification procedure: System Manager, as indicated above.

Record access procedures: Same as "Notification" above.

Record source categories:

Individuals themselves, references such as "Who's Who" and miscellaneous correspondence from system personnel and others.

Systems exempted from certain provisions of the act:

Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR Part 261a), certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS-14

System name: FRB—General File of Federal Reserve Bank and Branch Directors.

System location: Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Categories of individuals covered by the system: Past and present Federal Reserve Bank and Branch Directors.

Categories of records in the system: Biographies of past and present Federal Reserve Bank and Branch Directors, oaths of office, resignations, and miscellaneous correspondence.

Authority for maintenance of the system: Sections 3, 4 and 11 of the Federal Reserve Act (12 U.S.C. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as background information for determining qualifications for appointment, reappointment, etc.; for compiling information for news releases and other publications and recording correspondence concerning such persons.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Locked in Supreme power file. Access limited to Board staff on a restricted basis.

Retention and disposal: Indefinite.

System manager(s) and address: Secretary of the Board, Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Notification procedure: System Manager, as indicated above.

Record access procedures: Same as "Notification" above.

Record source categories: Generated by individual's incoming correspondence and staff response thereto.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR Part 261a) certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—15

System name: FRB—General Files of Federal Reserve Agents, Alternates and Representatives at Federal Reserve Banks.

System location: Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Categories of individuals covered by the system:

Past and present Federal Reserve Agents, Alternates and Representatives at Federal Reserve Banks.

Categories of records in the system: Biographies of past and present examiners, oath of office and miscellaneous correspondence relating to such persons.

Authority for maintenance of the system:

Sections 4 and 11 of the Federal Reserve Act (12 U.S.C. 248(i), (j) and 305).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used as background information for determining qualifications for appointment, reappointment etc.; for completing information for news releases and other correspondence; and recording correspondence concerning such persons.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability:

Indexed by name.

Safeguards:

Locked in Supreme power file. Access limited to Board staff on a restricted basis.

Retention and disposal:

Indefinite.

System manager(s) and address: Secretary of the Board, Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Notification procedure:

System Manager, as indicated above.

Record access procedures:

Same as "Notification" above.

Record source categories:

Generated by individual's incoming correspondence and staff response thereto.

Systems exempted from certain provisions of the act:

Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR Part 261a), certain portions of this system of records may be exempted from certain provisions of the Act: Where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—16

System name: FRB—Regulation G Reports.

System location: Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Categories of individuals covered by the system: Individuals other than banks, brokers and dealers who extend credit in specified amounts secured by margin securities.

Categories of records in the system: Reports filed by persons registered pursuant to Regulation G.

Authority for maintenance of the system: Sections 7, 17, and 23 of the Securities Exchange Act of 1934 and Regulation G (12 CFR Part 207).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Aid the Federal Reserve System in securing compliance with Regulation G, assist registrants regarding interpretation, and where this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Relevant records in the system of records may also be disclosed in response to a court order.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper forms and files.

Retrievability: Indexed by name.

Safeguards: Retained in locked metal file cabinets. Access to Board staff on restricted basis.

Retention and disposal: Indefinite.

System manager(s) and address: Director, Division of Banking Supervision and Regulation, Board of Governors, Federal Reserve System, Washington, D.C. 20551.

Notification procedure: Secretary of the Board, Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Record access procedures: System Manager, as indicated above.

Record source categories: Reports and forms filed by individuals to whom records pertain.

Systems exempted from certain provisions of the act: Pursuant to subsections (k)(2) of the Privacy Act and the Board's regulation relating thereto (12 CFR Part 261a), certain portions of this systems of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled for law enforcement purposes.

BGFRS—17

System name: FRB—Municipal Securities Principal and Municipal Securities Representative Records.

System location: Board of Governors of the Federal Reserve System, 20th and Constitution Avenue NW, Washington, D.C. 20551. Records stored in computerized files are maintained off Board premises at the National Association of Securities Dealers, 1735 K Street NW, Washington, D.C. 20036.

Categories of individuals covered by the system: Persons who are or seek to be municipal securities principals or municipal securities representatives associated with a municipal securities dealer which is a State member bank of the Federal Reserve System or a subsidiary or a department or division thereof.

Categories of records in the system: These records may contain identifying information as well as educational, employment, and disciplinary information, and, where applicable, information regarding termination of employment of individuals covered by the system. Identifying information includes names, address, date and place of birth, and may include social security account number.

Authority for maintenance of the system: Sections 15B, 17, and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(c)(5), 78q, and 78w) and section 11 of the Federal Reserve Act (12 U.S.C. 248).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

a. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate governmental authority, whether Federal, State, local, or foreign, or self-regulatory organization, as defined in section 3(a)(26) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(a)(26)).

b. To refer, in the event of litigation, whether civil, criminal, or regulatory in nature, to the appropriate court, magistrate, or administrative law judge.

c. To assist in any proceeding in which the Federal securities or banking laws are in issue or in which the Federal Reserve Board or a past or present member of its staff is a party or otherwise involved in an official capacity.

d. To disclose to a Federal, State, local, or foreign governmental authority or a self-regulatory organization if necessary in order to obtain information relevant to a Federal Reserve Board inquiry concerning a person who is or seeks to be associated with a municipal securities dealer described in "Categories of individuals covered by the system" as a municipal securities principal or municipal securities representative.

e. To respond to a request from a Federal, State, local, or foreign governmental authority or a self-regulatory organization for information in connection with the issuance of a license or other benefit to the extent that such information is relevant and necessary.

f. To disclose to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

g. To respond to a court order.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and on computer discs.

Retrievability: Records are indexed by name.

Safeguards: File folders are stored in lockable metal cabinets and computer discs are accessed only by authorized personnel.

Retention and disposal: Records may be maintained indefinitely.

System manager(s) and address: Secretary of the Board, Board of Governors: Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Notification procedure: Inquiries, including name and date and place of birth, should be addressed to the System Manager, address above. Inquiries may be required to include a notarized statement attesting to identity.

Record access procedures: Same as Notification above.

Contesting record procedures: Same as Notification above.

Record source categories: Individuals on whom the records are maintained as well as municipal securities dealers described in "Categories of individuals covered by the system" and Federal, State, local, and foreign governmental authorities, and self-regulatory organizations, which regulate the securities industry.

Systems exempted from certain provisions of the act: None.

BGFRS—18

System name:

FRB—Consumer Complaint Information System.

System location:

Board of Governors of the Federal Reserve System, 20th & Constitution Avenue, NW, Washington, D.C. 20551.

Categories of individuals covered by the system:

Persons who have filed complaints with the Federal Reserve Board or the Federal Reserve Banks.

Categories of records in the system:

These records may contain complaints regarding state-chartered member banks, as well as other financial institutions, individuals or organizations that are subject to federal banking regulations. Information included in these records are the complainant's name, a code symbol indicating the subject matter of the complaint, and information regarding the investigation and action taken on the complaint. Supporting records may include documents supplied by the complainant, intra-agency memoranda, as well as correspondence between the Federal Reserve System and the financial institution or other individual or organization in question.

Authority for maintenance of the system:

Section 11 of the Federal Reserve Act (12 U.S.C. 248(i)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The information in these records may be used:

a. By Board staff in its consumer affairs program for the investigation and resolution of consumer complaints.

b. To provide the appropriate Reserve Bank with information when a complaint or inquiry is received by the Board involving a state-chartered member bank in that Reserve Bank's jurisdiction.

c. In the investigation and resolution of complaints by the Reserve Bank which may require the disclosure of information contained in the records pertaining to the subject individual or institution.

d. For the maintenance of all follow-up correspondence (i.e., information submitted by complainant and information gathered in the investigation process concerning the complainant's bank records and pertinent bank policies.

e. To respond to Congressional inquiries and referral of complaints made on behalf of constituents. Congressional inquiries are generally made for the purpose of assessing the implementation of Congressional legislation. Information identifying the complainant and the institution or individual subject to the complaint is generally deleted in these requests, unless the complainant consents to disclosure. Information provided in response to complaint referrals will be in the form of follow-up correspondence on the complaints.

f. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether federal, state or local, charged with the responsibility of investigating or prosecuting such violations or with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

g. To respond to a court order.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are stored in computer readable format, computer printouts, control forms, in file folders, and on microfiche.

Retrievability:

File folders and microfiche are retrievable by subject code; control forms by control form number; computer printouts by state member bank name, consumer name, and control form number.

Safeguards:

Access to and use of these records is restricted to authorized personnel only.

Retention and disposal:

a. File folders of complaints will be retained for two years.
b. Complaints on microfiche will be retained indefinitely.
c. Records stored in computer readable format will be retained indefinitely, with the following exceptions: Records on control forms will be retained for a maximum of one year, with the exception of Reserve Bank referrals which will be retained indefinitely; records on computer printouts of monthly and year-end reports will be retained for one year, then put on microfiche and retained indefinitely.

System manager(s) and address: Director, Division of Consumer and Community Affairs, Board of Governors, Federal Reserve System, 20th and Constitution Ave., NW, Washington, D.C. 20551.

Notification procedure:

Inquiries should be directed to the System Manager at the address above. Inquirers may be required to file notarized statements attesting to their identity.

Record access procedures:

Inquiries should be directed to the System Manager at the address above. Inquirers may be required to file notarized statements attesting to their identity.

Record source categories:

Person(s) who initiate complaints (or his or her representative, which may include a member of Congress or an attorney); appropriate federal, state or local regulatory and enforcement agencies; institutions or individuals that are the subject of a complaint.

Systems exempted from certain provisions of the act:

Pursuant to subsection (k)(2) and (k)(5) of the Privacy Act and the Board's regulations relating thereto (12 CFR Part 261a), certain portions of this system of records may be exempted from certain provisions of the act where: (1) Such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—19

System name:

FRB—Financial Disclosure Reports and Outside Business Interest Applications.

System location: Board of Governors of the Federal Reserve System, 20th and Constitution Avenue, NW, Washington, D.C. 20551.

Categories of individuals covered by the system: Board members, officials, and key Board employees who are required to file annual financial disclosure reports pursuant to Title II of the Ethics in Government Act, as amended, Pub. L. 95-521 (1978) and Pub. L. 96-19, and 96-28 (1979), or pursuant to Board regulation, 12 CFR Part 264; and Outside Business Interest Application forms, filed pursuant to 12 CFR Part 264.

Categories of records in the system: These records contain:

a. The annual Financial Disclosure reports filed on forms prescribed by the Office of Government Ethics, for those Board members and officials who are required by statute to file these reports.

b. Confidential Annual Financial Disclosure Reports filed annually by remaining Board officials and designated key Board employees who are required by Board regulations to file these reports; and

c. Outside Business Interest Application forms filed by employees pursuant to Board regulation.

Authority for maintenance of the system: Title II of Pub. L. 95-521 (1978) and sections 10 and 11 of the Federal Reserve Act (12 U.S.C. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in these records may be used:

- a. To identify or determine conflict of interest situations or potential conflicts of interest.
- b. To advise an employee of potential problems.
- c. To provide information to the Office of Government Ethics.
- d. To provide copies of those financial disclosure reports filed pursuant to the Ethics in Government Act to the public, upon request.
- e. To respond to a request from a Member of Congress.
- f. To respond to a request from the General Accounting Office made in the exercise of their official responsibilities.
- g. To respond to a court order.
- h. To respond to requests for nonidentified statistical information under the Freedom of Information Act.
- i. To refer where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders, in locked steel file cabinets, in a secured room.

Retrievability: These records are indexed by the names of the individuals to whom they pertain.

Safeguards: Access to and use of these records is restricted to those persons whose official duties require such access.

Retention and disposal:

a. Financial Disclosure Reports filed pursuant to the Ethics in Government Act are retained for the statutorily required six-year period, after which they are destroyed, unless needed in an ongoing investigation.

b. Confidential Financial Disclosure Reports filed pursuant to Board regulation are maintained indefinitely.

c. Outside Business Interest Applications are maintained indefinitely.

System manager(s) and address: Board Ethics Official, Board of Governors, Federal Reserve System, 20th and Constitution, NW, Washington, D.C. 20551.

Notification procedure:

a. Requests for access to Financial Disclosure Reports filed pursuant to the Ethics in Government Act are to be submitted on the form provided by the Office of Government Ethics.

b. Individuals wishing to have access to their own Confidential Financial Disclosure reports or Outside Business Interest Applications should contact the System Manager above.

Record access procedures: Individuals wishing to gain access to or to correct information maintained about them in this system of records should contact the System Manager above. Former Board employees should direct such a request in writing, including their name, date of birth and social security number.

Record source categories: Individual to whom the record pertains.

Systems exempted from certain provisions of the act: None.

BGFRS-21

System name:

FRB-Supervisory Tracking and Reference System.

System location:

Board of Governors of the Federal Reserve System, 20th and C Streets, NW, Washington, DC 20551.

Categories of individuals covered by the system:

Directors, officers, employees, agents and persons participating in the conduct of the affairs of entities regulated by the Board of Governors of the Federal Reserve System who have been involved in suspected criminal activity and referred to law enforcement officials, and other individuals who have been involved in irregularities, violations of law or unsafe or unsound practices referenced in documents received by the Board in the course of exercising in supervisory functions.

Categories of records in the system:

Inter- and intra-agency correspondence, memoranda and reports. May contain references to federal or state criminal law enforcement reports.

Authority for maintenance of the system:

a. 12 U.S.C. 248(a)(1)—Authorizes the Board to examine all state chartered commercial banks that are members of the Federal Reserve System.

b. 12 U.S.C. 1844—Authorizes the Board to examine and otherwise regulate bank holding companies.

c. 12 U.S.C. 661—Authorizes the Board to regulate Edge Act corporations.

d. 15 U.S.C. 76g, 78h and 78w—Authorizes the Board to examine/inspect lenders who extend securities credit (i.e., banks, broker-dealers and 'G-lenders').

e. 15 U.S.C. 78q-1(d)(3)(A)(ii)—Authorizes the Board to examine transfer agents.

f. 15 U.S.C. 78o-4(b)(2)(E), 78o-4(c)(7)(A)—Authorizes the Board to examine or inspect municipal securities dealers.

Routine uses of records maintained in the system, including categories of users, and the purposes of such uses:

a. In the event that information contained in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether federal or state, charged with the responsibility of investigating such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. Such disclosures will be consistent with the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.).

b. In the event of litigation, certain records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence, or to counsel for the presentation of evidence in the course of discovery.

c. Disclosure may be made to the financial institution affected by a discovered irregularity.

d. Disclosure may be made to another federal or state financial supervisory agency if the individual involved has notified that agency of his/her intent to acquire controlling interest in a bank or bank holding company; or has filed an application to merge with another financial institution; or has applied for a bank charter, or to form a bank holding company, or to acquire a bank or banks, or to engage directly or indirectly in certain nonbanking activities; or has or will become associated with a financial institution under that agency's supervision; or has engaged in activities which may pose a threat to the well being of a financial institution under the financial supervisory agency's jurisdiction.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The records will be maintained in electronic data processing systems and in paper and card files.

Retrievability:

Computer output, file folders, and card files are retrievable by indexes of data fields, including name of financial institution, Federal Reserve Bank District, subject individual's name, and perhaps control form numbers.

Safeguards:

Paper records and word processing discs are stored in lockable metal file cabinets. Other computer-stored information will be protected by appropriate security coding methods. Only a very limited number of authorized personnel who have a legitimate need for the information may gain access to the records.

Retention and disposal:

Records are maintained indefinitely.

System manager(s) and address:

Assistant Director (Cease and Desist Program), Division of Banking Supervision & Regulation, Board of Governors of the Federal Reserve System, 20th & C Streets, NW, Washington, DC 20551, (202) 452-3000.

Notification procedures:

A person requesting notice as to whether this system of records contains information pertaining to him or her should write to the Division of Banking Supervision and Regulation, at the address below, enclosing his or her full name, current address, and a notarized statement attesting to the individual's identity. Simultaneously with requesting notification of inclusion in the System of Records, the individual may request record access as described in the following section on 'Record Access Procedures'.

Assistant Director (Cease and Desist Program), Division of Banking Supervision & Regulation, Board of Governors of the Federal Reserve System, 20th & C Streets, NW, Washington, DC 20551.

Record access procedures:

Individuals who, through notification procedures set out above, have established that the system of records contains information pertaining to them, may request access to those records by writing to the Division of Banking Supervision and Regulation at the address given above. If access to such information by a subject individual is deemed consistent with the purposes for which this system of records has been established then the individual will be notified by the Board as to the time and place for access to the records. The Board will also notify individuals when access is denied.

Contesting record procedures:

Individuals who seek to contest records in this system of records should: Contact the Division of Banking Supervision and Regulation at the address given above, reasonably identify the records, specify the information being contested, the rationale for the challenge, and supply the information requested to be substituted.

Record source categories:

Information received by the Board from various sources, including, inter alia, law enforcement and other agency personnel involved in sending inquiries to the Board, documents received by the Board in the course of executing the Board's supervisory responsibilities, and reports and forms filed by individuals to whom the records pertain.

System exempted from certain provisions of the Act:

Pursuant to subsection (k)(2) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a.13(a)(2)), all portions of this system of records are designated as exempt from certain provisions of the Privacy Act as investigatory material compiled for law enforcement purposes.

BGFRS-22

System name:

FRB-Chain Banking Reference System.

System location:

Board of Governors of the Federal Reserve System Constitution Ave. at 20th St., NW, Washington, D.C. 20551

Categories of individuals covered by the system:

Principals who directly or indirectly, or acting through or in a concert with one or more persons, control two or more banking organizations or own or have the power to vote 25 percent or more of the outstanding voting shares of two or more separate banking organizations.

Categories of records in the system:

Names of the principal(s) of each chain, the percentage ownership each has, positions held by principal(s) in the institutions, the bank and bank holding company names and reference numbers, and the institutions' locations.

Authority for maintenance of the system:

12 U.S.C. 248(a)(1) et seq.; 12 U.S.C. 1811 et seq.; and 12 U.S.C. 1841 et seq.; which together authorize the Board to examine, supervise, and regulate all state chartered commercial banks that are members of the Federal Reserve System and all bank holding companies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in these records may be used:

a. By Board and Reserve Banks' staff to identify any individual who is a principal in two or more banks or bank holding companies; to ensure in the merger and application process that all elements of a chain banking organization are considered in assessing financial, managerial and competitive factors and capital adequacy; to apply Board supervisory guidelines and policies that are relevant to chain banking organizations; to analyze problems within a chain organization in an effort to avoid similar problems at related banking institutions; to coordinate the scheduling of concurrent examinations and inspections of related banking institutions; and to ensure the identification of common practices among banking institutions.

b. To respond to Congressional inquiries, referrals of constituent questions and comments, and to official inquiries by the General Accounting Office.

c. To refer where there is an indication of a violation of law, whether civil, criminal or regulatory in nature, to the appropriate federal, state or local agency charged with the responsibility of investigating or prosecuting such violations or with enforcing or implementing a statute, rule, regulation or order issued pursuant thereto.

d. To respond to a court order.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records and word processing discs would be stored in locked metal cabinets; computerized records would be maintained in electronic data processing systems.

Retrievability:

Computer output, file folders, and card files would be retrievable by indexes of data fields, including name of a subject individual, bank or bank holding company name or number, Federal Reserve Bank district location, and perhaps control form numbers.

Safeguards:

Paper records and word processing discs would be stored in locked metal cabinets. Computer-stored information would be protected by appropriate coding and other security measures. Only a limited number of authorized Board and Reserve Banks' staff who have a legitimate need for the information will be able to gain access to these records.

Retention and disposal:

Records would be maintained indefinitely.

System manager(s) and address:

James I. Garner, Assistant Director, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Constitution Ave., at 20th St., NW, Washington, D.C. 20551, (202) 452-2704.

Notification procedure:

A person requesting notice as to whether this system of records contains information pertaining to him or her should write to the Division of Banking Supervision and Regulation, at the address below, enclosing his or her full name, current address, and a notarized statement attesting to the individual's identity. Simultaneously with requesting notification of inclusion in the system of records, the individual may request record access as described in the following section on "Record Access Procedures".

James I. Garner, Assistant Director, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Constitution Ave., at 20th St., NW, Washington, D.C. 20551, (202) 452-2704.

Record access procedures:

Individuals who, through notification procedures set out above, have established that the system of records contains information pertaining to them, may request access to these records by writing to the Division of Banking Supervision and Regulation at the address given above; and the Board will thereafter notify the individual as to the time and place for access to the records.

Contesting record procedures:

Individuals who seek to contest or to correct records in this system of records should: Contact the Division of Banking Supervision and Regulation at the address given above; reasonably identify the records; specify the information sought to be contested or corrected, the rationale for such challenge or correction, and the information requested to be substituted.

Record source categories:

The information would be generated substantially from existing sources, including acquisition, merger and other applications, change of control notices, examination and inspection reports, and the annual F.R. Y-6 reports.

Systems exempted from certain provisions of the act:

None.

Title 12-Banks and Banking

Chapter II-Federal Reserve System Subchapter A-Board of Governors of the Federal Reserve System

PART 261a—RULES REGARDING ACCESS TO AND REVIEW OF PERSONAL INFORMATION IN SYSTEMS OF RECORDS

Sec.

- 261a.1 Purpose and scope.
- 261a.2 Definitions.
- 261a.3 Procedures for requests pertaining to individual records in a record system.
- 261a.4 Requirements for identification of individuals making requests.
- 261a.5 Disclosure of requested information to individuals.
- 261a.6 Special procedures—medical records.
- 261a.7 Request for correction or amendment to record.
- 261a.8 Agency review of request for amendment of record.
- 261a.9 Appeal of initial adverse determination on correction or amendment.
- 261a.10 Disclosure of record to person other than individual to whom it pertains.
- 261a.11 Fees.
- 261a.12 Penalties.
- 261a.13 Exemptions.

Authority: 5 U.S.C. 552a; 5 U.S.C. 553; 5 U.S.C. 552.

Source: 40 FR 45617, Oct. 2, 1975, unless otherwise noted.

§ 261a.1 Purpose and scope.

The purpose of this part is to establish regulations implementing the provisions of the Privacy Act, 5 U.S.C. 552a, with regard to access to and review of personal information in systems of records maintained by the Board of Governors of the Federal Reserve System ("Board").

§ 261a.2 Definitions.

For the purposes of this part, the following definitions shall apply:

(a) The term "individual" means a natural person who is either a citizen of the United States or an alien lawfully admitted for permanent residence. The term "individual" includes the parent of any minor or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction.

(b) The term "maintain" also includes maintain, collect, use, disseminate, or control.

(c) The term "record" means any item, collection or grouping of information about an individual maintained by the Board that contains the individual's name, or the identifying number, symbol, or other identifying particular assigned to the individual.

(d) The term "system of records" means a group of any records under the control of the Board from which information is retrieved by the name of the individual or some identifying number, symbol, or other identifying particular assigned to the individual.

(e) The term "designated system of records" means a system of records that has been listed in the **Federal Register** pursuant to the requirements of 5 U.S.C. 552a(e).

(f) The term "routine use" means, with respect to disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(g) The term "business days" means all days except Saturdays, Sundays, and legal public holidays.

§ 261a.3 Procedures for requests pertaining to individual records in a record system.

(a) Requests for notification of the existence of or for access to personal information in a designated system of records may be made by the person to whom such information pertains. Every such request shall be made in writing and shall specify that it is made pursuant to the Privacy Act. Each request should identify the designated system of records in which the requested record is to be found, should reasonably describe the information requested and, except as provided in § 261a.4, should include a notarized statement attesting to the identity of the requestor.

(b) Requests made pursuant to paragraph (a) of this section shall be addressed to the Director of the Division of Personnel, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, in the case of records relating to employment with the Board. Requests for other records should be addressed to the Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Requests for information pursuant to paragraph (a) of this section may also be made in person during regular business hours at the offices of the Board of Governors of the Federal Reserve System, Federal Reserve Building, 20th and Constitution Avenue, NW, Washington, D.C. 20551.

(c) An individual making a request pursuant to paragraph (a) of this section may also include in such request a request for the accounting required by section (c) of the Privacy Act, 5 U.S.C. 552a, of previous disclosures of records pertaining to such individual in a designated system of records.

(d) Every request made pursuant to this section will be acknowledged or,

where practicable, substantially responded to within 10 business days from receipt.

§ 261a.4 Requirements for identification of individuals making requests.

(a) Each request for information made pursuant to § 261a.3 shall include a notarized statement attesting to the identity of the requestor except in the following instances:

(1) Where the information requested is otherwise publicly available under the Freedom of Information Act, 5 U.S.C. 552, and the Board's Rules Regarding Availability of Information (12 CFR Part 261).

(2) Where the requestor makes written request for information in person and presents a driver's license, birth certificate, employment identification card or other means of identification, sufficient to establish his identity.

(3) Where the request is only for notification of the existence of records in a designated system of records pertaining to the requestor.

§ 261a.5 Disclosure of requested information to individuals.

(a) Information requested pursuant to § 261a.3, except for that compiled in reasonable anticipation of a civil action or proceeding or otherwise exempted from disclosure as provided in § 261a.13, will be made available for inspection and copying during regular business hours at the Board's offices. However, where the requested information can be disclosed only by providing a copy of the record, because such record cannot reasonably be put into a form for individual inspection (e.g., computer tapes), or where the requestor may request that copies of requested information be forwarded, such information will be mailed to the requestor. Access to or copies of requested information will be promptly provided after the acknowledgment as provided in § 261a.3(c), unless good cause for delay is communicated to the requestor.

(b) Fees for copying such records will be assessed in accordance with § 261a.11.

(c) The requestor of information may be accompanied in the inspection and discussion of that information by a person of the requestor's own choosing upon the submission by the requestor of a written and signed statement authorizing the presence of such person.

§ 261a.6 Special procedures—medical records.

Medical records requested pursuant to § 261a.3 will be disclosed to the requestor unless the disclosure of such

records directly to the requestor could, in the judgment of the official deemed responsible for such records, have an adverse effect upon the requestor. In such instance, such information will be transmitted to a licensed physician named by the requestor.

§ 261a.7 Request for correction or amendment to record.

(a) Where an individual believes that any portion of a record in a designated system of records used in making a determination about such individual is not accurate, relevant, timely or complete, that individual may request that such record be amended or corrected. Such request should be submitted in writing to the appropriate officer as designated in § 261a.3. Each request for amendment or correction of a record should identify the system of records containing the record for which amendment or correction is requested, specify the portion of that record requested to be amended or corrected, and describe the nature of and reasons for each requested amendment or correction. Additionally, each request must include a notarized statement attesting to the identity of the requestor except where the request is presented in person and the requestor's identity may thereupon be verified.

(b) Nothing in paragraph (a) of this section shall permit collateral attack upon that which has been decided in a previous judicial, quasi-judicial or other proceeding.

§ 261a.8 Agency review of request for amendment of record.

(a) As appropriate, the Secretary of the Board or the Director of the Division of Personnel shall acknowledge each request made pursuant to § 261a.7 within 10 business days of its receipt. Such acknowledgment may request additional information necessary for a determination of the request for amendment or correction.

(b) As appropriate, the Secretary of the Board or the Director of the Division of Personnel shall promptly review each request made pursuant to § 261a.7 in light of the criteria of accuracy, relevance, timeliness, completeness and necessity set forth in subsections (e)(1) and (e)(5) of the Privacy Act, 5 U.S.C. 552a.

(c) Upon completion of review of each request made pursuant to § 261a.7, the Secretary of the Board or the Director of the Division of Personnel shall immediately inform the requestor of the determination to grant or deny the requested amendment or correction.

(d) Where any request pursuant to § 261a.7 has been denied in whole or

part, the requestor shall be advised of the reasons therefor, the procedure for appeal of the determination and the name, title and address of the official to whom such appeal should be directed.

§ 261a.9 Appeal of initial adverse determination on correction or amendment.

(a) A denial of a request made pursuant to § 261a.7 may be appealed to the Board of Governors or any official designated by the Chairman of the Board of Governors within 30 business days of issuance of notification of denial. Every such appeal should be made in writing to the official designated in the letter of initial denial, should specify the previous background of the request and should provide reasons why the initial determination should be reversed.

(b) The Board of Governors or such official designated by the Chairman of the Board shall make a determination with respect to the review of such appeal not later than 30 business days from its receipt, unless the reviewing official extends such period for good cause shown.

(c) If the Board or designated official affirms the initial denial of a request to amend or correct made pursuant to § 261a.7, such determination shall be communicated to the requestor together with a statement of the reasons therefore and the requestor shall be informed of the right of judicial review of the determination. The requestor may then file a concise statement setting forth disagreement with the affirmation of denial within 30 days of notification of such determination and such statement shall be provided to persons or other agencies to whom the disputed record is disclosed.

§ 261a.10 Disclosure of record to person other than individual to whom it pertains.

(a) No record contained in a designated system of records shall be disclosed to any person or agency without the prior written consent of the individual to whom the record pertains unless the disclosure is authorized by paragraph (b) of this section.

(b) The restrictions on disclosure in paragraph (a) of this section do not apply to any disclosure (1) to those officers and employees of the Board who have a need for the record in the performance of their duties; (2) that is required under the Freedom of Information Act (5 U.S.C. 552); (3) for a routine use listed with respect to a designated system of records; (4) to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13 of the United

States Code; (5) to a recipient who has provided the Board with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable; (6) to the National Archives of the United States as a record that has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value; (7) to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Board specifying the particular portion desired and the law enforcement activity for which the record is sought; (8) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual; (9) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee; (10) to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or (11) pursuant to the order of a court of competent jurisdiction.

§ 261a.11 Fees.

(a) Copies of records requested pursuant to § 261a.3 will be provided at a cost of \$.10 per page for photocopying or at a cost not to exceed the direct cost of printing, typing or otherwise preparing such copies.

(b) Documents may be furnished without charge where total charges are less than \$2.

§ 261a.12 Penalties.

The Privacy Act, 5 U.S.C. 552a(1)(3), provides:

Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretense shall be guilty of a misdemeanor and fined not more than \$5,000.00.

§ 261a.13 Exemptions.

(a) Pursuant to subsection (k) of the Privacy Act, 5 U.S.C. 552a, the Board may exempt certain portions of records

within designated systems of records from the requirements of the Privacy Act, (including access to and review of such records pursuant to this part) if such portions are:

(1) Subject to the provisions of section 552(b)(1) of the Freedom of Information Act, 5 U.S.C. 552:

(2) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of the Privacy Act, 5 U.S.C. 552a: *Provided, however,* That if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of the Privacy Act, 5 U.S.C. 552a, under an implied promise that the identity of the source would be held in confidence:

(3) Maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 3056 of title 18 of the United States Code;

(4) Required by statute to be maintained and used solely as statistical records;

(5) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosures of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of the Privacy Act, 5 U.S.C. 552a, under an implied promise that the identity of the source would be held in confidence;

(6) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise

the objectivity or fairness of the testing or examination process; or

(7) Evaluation material used to determine potential for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of the Privacy Act, 5 U.S.C. 552a, under an implied promise that the identity of the source would be held in confidence.

(b) Those designated systems of records which are exempt from the requirements of this part or any other requirements of the Privacy Act, 5 U.S.C. 552a, will be indicated in the notice of designated systems of records published by the Board.

(c) Nothing in this part shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

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FRTIB-1

System name:

Thrift Savings Plan Records.

System location:

These records are located at the National Finance Center, Department of Agriculture, Building 350, 13800 Old Gentilly Road, New Orleans, Louisiana.

Categories of individuals covered by the system:

Present and former Federal employees, and present and former Members of Congress, who have been or are participants in the Thrift Savings Plan, and their beneficiaries.

Categories of records in the system:

These records contain the following kinds of information: Thrift Savings Plan Account records of employee contributions, employer contributions employee and Member social security number, date of birth and home address, account earnings and balance, records showing whether a participant's interest is vested, participant designated beneficiaries, locator information on former spouses and spousal waivers, records of garnishment action against accounts, employing agency, servicing payroll office, servicing personnel office of the participant, and the participant's investment status by Fund.

Authority for maintenance of the system:

5 U.S.C. 8474.

Purpose(s):

The purpose of this system of records is to record and document contributions and earnings of each plan participant and to communicate with participants in order to make certain that they receive their entitlement at the time of separation from government service.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records and information in these records may be used:

- To disclose financial data to Federal, State, and local government tax enforcement agencies so that they may enforce applicable tax laws.
- To disclose to annuity vendors so that these firms may provide retired employees with an annuity.
- To disclose to financial institutions who are qualified pension plan sponsors for purposes of transfer to an individual retirement account or to transfer into another qualified pension plan.
- To disclose to agency payroll and personnel offices information necessary to assure the effective operation of the Thrift Savings Plan.
- To disclose to beneficiaries so that they may exercise their entitlement rights under the Act.
- To disclose to current and former spouses so that they may exercise their entitlement rights under the Act.
- To disclose to the Department of Labor and to private sector audit firms so that they may perform audits as provided for in the Act.
- To disclose to the General Accounting Office to allow that agency to perform reviews requested by Congress.
- To disclose to any inquirer, if sufficient information is provided to assure positive identification of an individual on whom a department or agency maintains retirement records, the fact that an individual is or is not on the retirement rolls, and, if so, the type of annuity

(employee or survivor, but not disability retirement) being paid, or if not, whether a refund has been paid.

j. When an individual to whom a record pertains dies, to disclose to any person possibly entitled in the order of precedence of lump sum benefits, information in the individual's record which might properly be disclosed to the individual, and the name and relationship of any other person whose claim to benefits takes precedence or who is entitled to share the benefits payable. When a representative of the estate has not been appointed, the individual's next of kin may be recognized as the representative of the estate.

k. To disclose to the Department of the Treasury information necessary to issue checks.

l. To disclose information to any person who is responsible for the care of the individual to whom a record pertains and who is found by a court to be incompetent or under other legal disability, information necessary to assure payment of benefits to which the individual is entitled.

m. To disclose to the Parent Locator Service of the Department of Health and Human Services, upon its request, the present address of an annuitant, survivor annuitant, or former employee, for the purpose of enforcing child support obligations against such individual.

n. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where the Board becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

o. To disclose information to the Office of Management and Budget at any stage of the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.

p. To disclose information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

q. To disclose to the National Archives and Records Administration (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

r. To disclose an official of another Federal agency information needed in the performance of official duties related to reconciling or reconstructing data files, compiling descriptive statistics, and making analytical studies in support of the function for which the records were collected and maintained.

s. To disclose to a Federal agency, in response to its request, the present address of a former employee and any other information the agency needs in order to contact the former employee concerning a possible threat to his or her health or safety.

t. To disclose information to the Department of Justice when

- (1) The Board, or any component thereof; or
- (2) Any employee of the Board, in his or her official capacity; or
- (3) Any employee of the Board in his or her individual capacity, where performance of official duties is at issue; or
- (4) The United States, where the Board determines that litigation is likely to affect the agency or any of its components,

Is a party to litigation or has an interest in such litigation, and the Board determines that use of such records is relevant and necessary to the litigation.

u. To disclose information in a proceeding before a court or adjudicative body before which the Board is authorized to appear, when

- (1) The agency or any component thereof; or
- (2) Any employee of the agency in his or her official capacity; or
- (3) Any employee of the agency in his or her individual capacity, where performance of official duties is at issue; or
- (4) The United States, where the agency determines that litigation is likely to affect the agency or any of its components,

Is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the Board to be relevant and necessary to the litigation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are maintained on magnetic media, microfiche and in folders.

Retrievability:

These records are retrieved by name, Social Security Number, and date of birth of the individual to whom they pertain.

Safeguards:

Records are kept in metal file cabinets in a secure facility with access limited to those whose official duties require access. Personnel screening is employed to prevent unauthorized disclosure. Automatic data processing software security mechanisms are used to prevent unauthorized access to the magnetic media.

Retention and disposal:

All records are retained as long as the Board has a custodial responsibility for a particular asset and for three years thereafter. Disposal of manual records is by shredding or burning, magnetic media are erased.

System manager(s) and address:

Executive Director, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, DC 20044.

Notification procedure:

Current federal employees wishing to request amendment of their records in this system should contact their servicing personnel office. Separated personnel with the same inquiry should contact the system manager.

Individuals must furnish the following information for their records to be located and identified:

- a. Name, including all former names.
- b. Date of birth.
- c. Social Security Number.

d. Name and address of office in which currently or formerly employed in the Federal Service.

Record access procedures:

Current federal employees wishing to inquire if this system contains information about them should contact their servicing personnel office. Separated personnel with the same inquiry should contact the system manager.

Individuals must furnish the following information for their records to be located and identified:

- a. Name, including all former names.
- b. Date of birth.
- c. Social Security Number.

d. Name and address of office in which currently or formerly employed in the Federal Service.

The individual requesting access must follow the Board's identity verification procedure.

Contesting record procedures:

Current federal employees wishing to inquire if this system contains information about them should contact their servicing personnel office. Separated personnel with the same inquiry should contact the system manager.

Individuals must furnish the following information for their records to be located and identified:

- a. Name, including all former names.
- b. Date of birth.
- c. Social Security Number.

d. Name and address of office in which currently or formerly employed in the Federal Service.

Record source categories:

The information in this system is obtained from the following sources:

- a. The individual to whom the information pertains.
- b. Agency pay, leave, and allowance records.
- c. Court orders.
- d. Spouses and former spouses.

Systems exempted from certain provisions of the act:

None.

FRTIB-2

System name:

Personnel Background Investigation Reports.

System location:

Federal Retirement Thrift Investment Board, Room 214, 1717 H Street NW, Washington, DC.

Categories of individuals covered by the system:

Current and former applicants for employment by the Board; employees considered for access to restricted areas; and/or contractors, employees of contractors, experts, and consultants to the Board.

Categories of records in the system:

These records may contain investigative information regarding an individual's character, financial responsibility, conduct, behavior, ar-

rests and convictions for any violations against the law; reports of interviews with former supervisors; co-workers, associates, and educators; reports about the qualifications of an individual for a specific position; reports of inquiries with law enforcement agencies; former employers; educational institutions attended; and other information developed from the above.

Authority for maintenance of the system:

5 U.S.C. 8474.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The contents of these records may be disclosed and used as follows:

a. To assist in determining the suitability for access to classified information.

b. To designated officers and employees of other agencies and departments of the Federal Government, and the District of Columbia Government, having an interest in the individual for employment purposes, in connection with performance of a service to the Federal Government, under a contract or other agreement, including a security clearance or access determination, and a need to evaluate qualifications, suitability, and loyalty to the United States Government.

c. To the intelligence agencies of the Department of Defense, National Security Agency, Central Intelligence Agency, and the Federal Bureau of Investigation for use in intelligence activities.

d. To any source from which information is requested by the Board in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation and to identify the type of information requested.

e. In the event of an indication of any violation or potential violation of the law, either civil, criminal, or regulatory in nature, and whether arising by statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; such referral shall include, and be deemed to authorize any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing.

f. As a data source for management information for production of descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Files are maintained in folders and index cards in steel file cabinets with manipulation proof combination lock.

Retrievability:

Records are indexed by name in alphabetical order.

Safeguards:

Access to and use of these records are limited to those persons whose official duties require access and who have appropriate security clearance.

Retention and disposal:

The indexing cards are retained indefinitely, while the reports of investigation are returned to the originating agency after separation of employment.

System manager(s) and address:

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, DC 20044.

Notification procedure:

An individual may inquire as to whether or not the system contains a record pertaining to him or to her by addressing a written request to the System Manager.

The request should include the full name and date and place of birth of the individual, and any available information regarding the type of record involved, and the category of individual under which the inquirer feels he or she fits.

Record access procedures:

In response to a written request by an individual to determine whether or not the system contains a record pertaining to him or to her, the Director will set forth the procedure for gaining access to

the record. If the individual desires to contest the contents of a record, he or she may do so by writing to the System Manager.

Record source categories:

Information contained in the system is obtained from the following:

1. Applications and other personnel and security forms furnished by the individual.
2. Investigative material furnished by other Federal agencies. Notices of personnel actions furnished by other Federal agencies.
3. Personal investigation or written inquiry from sources such as: Employers
Schools
References
Neighbors
Associates
Police Departments
Courts
Credit Bureau
Medical Records
Probation Officials
Prison Officials
4. Newspapers, magazines, periodicals, and other publications.
5. Published hearings of Congressional Committees.

Systems exempted from certain provisions of the act:

Pursuant to 5 U.S.C. 552a (k)(2) and (k)(5) (the Privacy Act) and the Board's regulation relating thereto (5 CFR 1630.16), certain portions of this system of records may be exempt from certain provisions of the Act where: (1) Such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

FRTIB-3

System name:

General Personnel Records.

System location:

Federal Retirement Thrift Investment Board, Room 214, 1717 H Street, NW., Washington, DC.

Categories of individuals covered by the system:

This system of records consists of a variety of documents relating to personnel actions of the Board and its determinations made about an individual during the course of his or her employment by the Board. These records may contain information about employees and former employees relating to employment, placement, personnel actions, performance considerations and evaluations; training and development activities and plans, background investigations; reference checks; salary history and other personnel matters. It also includes minority group and medical disability designators; records relating to benefits and designation of beneficiary; emergency contact, documentation supporting personnel actions or decisions made about an individual; awards and other information relating to the status of the individual either while considered for employment or while employed by the Board.

Authority for maintenance of the system:

5 U.S.C. 8474.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in these records is used:

- a. To provide data for automated personnel records.
- b. To provide information to a Federal agency, or any other employer or prospective employer, in response to its request in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
- c. To request information from a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information or other pertinent information to a Board decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a grant or other benefit.
- d. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation

or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

e. To transfer information necessary to report a claim for benefits under the various benefit programs in operation at the Board.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in file folders, magnetic tape, disc, punched cards, index cards and microfilm.

Retrievability:

Records are indexed by any combination of name, date of birth, social security number, or identification number.

Safeguards:

Records are located in lockable metal file cabinets in secured rooms with access limited to those whose official duties require it.

Retention and disposal:

The General Personnel Record is retained until five years after death or until an individual achieves age 75 where he or she does not separate employment by retirement.

System manager(s) and address:

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, DC 20044.

Notification procedure:

Inquiries, including name, date of birth, and social security number should be addressed to the System Manager, address above.

Record access procedures:

Current and former Board employees who wish to gain access to or contest their records should contact the System Manager, address above. Former Board employees should direct such a request in writing, including their name, date of birth, and social security number.

Record source categories:

Information in this system of records comes from the individual to whom it applies or is derived from the information the individual supplied, except information provided by Board officials. Information is also obtained from the following sources for administration of the benefits portion of the system:

1. OPM Personnel Management Records System.
2. Personnel records of other Government agencies.

Systems exempted from certain provisions of the act:

Pursuant to 5 U.S.C. 552a (k)(2) and (k)(5) (the Privacy Act) and the Board's regulation relating thereto (5 CFR 1630.16), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) Such portions represent investigatory material compiled for law enforcement purposes; or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

FRTIB-4

System name:

EEO Discrimination Complaint File.

System location:

Federal Retirement Thrift Investment Board, Room 214, 1717 H Street, NW., Washington, DC.

Categories of individuals covered by the system:

Applicants for Board employment and current and former Board employees who file a complaint of discrimination or appeal a determination made by an official of the Board relating to equal employment opportunities.

Categories of records in the system:

This system of records contains information or documents relating to a complaint or a decision made by the Board affecting an individual under the Board's EEO regulations and procedures. The records consist of the initial complaint or appeal letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimony of witnesses, investigative reports, instructions to the Board and/or individual about action to be taken to comply with decisions, and related correspondence, opinions and recommendations.

Authority for maintenance of the system:

5 U.S.C. 8474.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The information in the records may be used:

- a. To adjudicate an appeal, complaint, or grievance.
- b. To refer, where there is an indication of a violation or potential violation of law, whether civil, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.
- c. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the lettering of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are maintained in file folders, binders, and index cards.

Retrievability:

These records are indexed by the names of the individuals on whom they are maintained.

Safeguards:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal:

The records are maintained indefinitely.

System manager(s) and address:

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, DC 20044.

Notification procedure:

Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the records. They may, however, contact the System Manager, address above. Individuals should provide their name, date of birth, and the approximate date of employment or application, and the kind of action taken by the Board when making inquiries about records.

Record access procedures:

Individuals who have appealed or filed a grievance about a decision or determination made by the Board or about conditions existing in the Board already have been provided a copy of the records. However, to gain access or contest the records in this system, individuals should contact the System Manager, address above. Individuals should provide their name, date of birth, approximate date of employment or application and the kind of action taken by the Board.

Record source categories:

- a. Individual to whom the record pertains
- b. Board employees
- c. Affidavits or statements from employee
- d. Testimony of witnesses
- e. Official documents relating to the appeal, grievance, or complaint.
- f. Correspondence from specific organizations or persons.

Systems exempted from certain provisions of the act:

Pursuant to subsection 5 U.S.C. 552a (k)(2) (the Privacy Act) and the Board's regulation relating thereto (5 CFR 1630.16) certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled for law enforcement purposes.

FRTIB-5

System name:

Adverse Information and Action Records; Disciplinary Records.

System location:

Federal Retirement Thrift Investment Board, Room 214, 1717 H Street NW., Washington, DC.

Categories of individuals covered by the system:

Current and former Board employees, (including special employees) and annuitants who are involved in an adverse action; employees who suffer a withholding of a Progress Step Increase; and those

employees who have creditors contracting the Board relative to credit problems.

Categories of records in the system:

This system of records may contain information or documents relating to a determination made by the Board affecting an individual. The records consist of letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimony of witnesses, investigative reports, and related correspondence, opinions and recommendations. Letters from creditors are also contained in this system.

Authority for maintenance of the system:

5 U.S.C. 8474.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The information in the records may be used:

- a. To adjudicate an appeal, complaint, or grievance.
- b. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.
- c. To request information from a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to a Board decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a grant or other benefit.
- d. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are maintained in file folders, binders, and index cards.

Retrievability:

These records are indexed by the names of the individuals on whom they are maintained.

Safeguards:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal:

The records are maintained indefinitely after cessation of employment unless deemed unnecessary, and then destroyed.

System manager(s) and address:

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, DC 20044.

Notification procedure:

Individuals should provide name, date of birth, social security number, identification number (if known), approximate date of record, and type of situation with which concerned, to the System Manager, address above.

Record access procedures:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the System Manager above. Former Board employees should direct such a request in writing, including their name, date of birth and social security number.

Record source categories:

Information provided by persons involved in there adverse action process including law enforcement personnel.

Systems exempted from certain provisions of the act:

None.

FRTIB-6

System name:

Payroll Records.

System location:

General Services Administration, National Capital Region, copies held by the Board. (GSA holds records for the Board under contract.)

Categories of individuals covered by the system:

Past and present employees and members of the Board.

Categories of records in the system:

Varied payroll records including payment vouchers, comprehensive listing of employees, requests for deductions, tax forms, W-2 forms, overtime requests, leave data, workmen's compensation data.

Authority for maintenance of the system:

5 U.S.C. 8474.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used in the preparation of Board payroll, as input to several management reports, and, from time to time, input to other contributing organizations for use in studies, analyses, and reports or support activities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

On tape, punched cards, index cards, folders and document files.

Retrievability:

Filed by name, social security number, and employee number.

Safeguards:

Access is restricted to authorized personnel only. Records are stored in cabinets and a safe. Access to computer records is restricted to authorized personnel.

Retention and disposal:

Minimum of one year from date of annual audit; maximum of indefinite.

System manager(s) and address:

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station P.O. Box 511, Washington, DC 20044.

Notification procedure:

Current and former employees who wish to gain access or contest their records should contact System Manager, address above. Individuals should provide name, date of birth, social security number, identification number (if known).

Record access procedures:

Current and former employees who wish to gain access or contest their records should contact System Manager, address above. Individuals should provide name, date of birth, social security number, identification number (if known).

Record source categories:

Internal personnel forms, Federal, state, and local tax forms, employee authorizations and directive forms, insurance forms, leave and overtime reports, Federal and state garnishment forms.

Systems exempted from certain provisions of the act:

None.

FRTIB-7

System name:

Leave Records.

System location:

Federal Retirement Thrift Investment Board, Room 214, 1717 H Street, NW, Washington, DC.

Categories of individuals covered by the system:

Present employees, former employees for a period of three years following their separation from the Board.

Categories of records in the system:

Contains timekeeper records, leave cards, payroll notifications, supporting memorandum, periodic leave statements, and creditable service documentation.

Authority for maintenance of the system:

5 U.S.C. 8474.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used as a data source for management information and payment of leave, for production of statistics and analytical studies in support of the function for which records are collected and maintained or for related personnel management functions, and manpower studies. This information is provided to the General Services Administration

which is under contract to provide personnel support to the Board and it will be disclosed to other Federal agencies in connection with official audit activities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Punched card, tape, disk, index card, folder, and print out.

Retrievability:

Filed by date, but may be filed by name or identifying number.

Safeguards:

Stored in locked metal file cabinets, other record stored in secured limited access computer facilities.

Retention and disposal:

Specific information destroyed after three years. Summary data is a part of permanent official personnel file.

System manager(s) and address:

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, DC 20044.

Notification procedure:

Individual wishing to know whether information about them is maintained in this system of records should address inquiries to the System Manager above. Former Board employees should direct such a request in writing, including their name, date of birth, and social security number.

Record access procedures:

Individuals wishing to gain access or contest their records should contact the System Manager, address above. Former Board employees should direct such a request in writing, including their name, date of birth, and social security number.

Record source categories:

Records, files and forms of the Board, information provided by the employee.

Systems exempted from certain provisions of the act:

None.

FRTIB-8

System name:

Consultant and Staff Associate File.

System location:

Federal Retirement Thrift Investment Board, Room 214, 1717 H Street, NW, Washington, DC 20044.

Categories of individuals covered by the system:

Individuals retained by formal agreement, who: (1) Provide consulting services to the Board and (2) act as advisors to the Board, but do not maintain the independence of action necessary to meet the requirements for classification as an independent contractor.

Categories of records in the system:

Documents, letters, memorandum of understanding relating to agreement, rates of pay, payment, records, vouchers, invoices, and selection; negotiation, implementation, scope and performance of work. Additional information may be found on reemployed annuitants in the Board's General Personnel Records.

Authority for maintenance of the system:

5 U.S.C. 8474.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Routine uses include, but are not restricted to, selection, monitoring, evaluation and control, audit and analysis, routine management activity, and statistical use without individual identification: Verification and confirmation; and referral when used as a basis for prospective employment by employers other than the Board; to provide information or disclose to a Federal agency, or any other employer or prospective employer, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Folder, punched card, tape, disk and index card.

Retrievability:

Filed by name and cross indexed by voucher number and date.

Safeguards:

Stored in secured area, access limited to Board staff on an official use basis.

Retention and disposal:

Indefinite.

System manager(s) and address:

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, DC 20044.

Notification procedure:

Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the records. They may, however, contact the System Manager, address above. Individuals should provide their name, date of birth, and the approximate date of employment or application, and the kind of action taken by the Board when making inquiries about records.

Record access procedures:

Individuals who have appealed or filed a grievance about a decision or determination made by the Board or about conditions existing in the Board already have been provided a copy of the records. However, to gain access or contest the records in this system, individuals should contact the System Manager, address above. Individuals should provide their name, date of birth, approximate date of employment or application, and the kind of action taken by the Board.

Record source categories:

Information in this system of records is obtained from the individual to whom it applies or is derived from information supplied by the individual, except information provided by Board staff, and for reemployed annuitants where the inactive General Personnel File is activated.

Systems exempted from certain provisions of the act:

Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (5 CFR 1630.16), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) Such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

FRTIB-9

System name:

Board Members File.

System location:

Federal Retirement Thrift Investment Board, Room 214, 1717 H Street, NW., Washington, DC 20044.

Categories of individuals covered by the system:

Past and present members of the Board.

Categories of records in the system:

Biographies of past and present members of the Board, oaths of office, and miscellaneous correspondence relating to such Members.

Authority for maintenance of the system:

5 U.S.C. 8474.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used for background information to determine qualifications for appointment, reappointments, for compiling information for new releases and other publications, and for recording correspondence concerning the members.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records.

Retrievability:

Indexed by name.

Safeguards:

Locked in a metal file cabinet. Access limited to Board staff on a restricted basis.

Retention and disposal:

Indefinite.

System manager(s) and address:

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, DC 20044.

Notification procedure:

Contact the System Manager, address above.

Record access procedures:

Contact the System Manager, address above.

Record source categories:

Generated by individuals, incoming correspondence and staff response thereto.

Systems exempted from certain provisions of the act:

Pursuant to 5 U.S.C. 552a(k)(5) (the Privacy Act) and the Board's regulation relating thereto (5 CFR 1630.16) certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

FRTIB-10

System name:

Biographical File on Board Employees.

System location:

Federal Retirement Thrift Investment Board, Room 204, 1717 H Street, NW., Washington, DC.

Categories of individuals covered by the system:

Present and former Board officers, and their staff.

Categories of records in the system:

This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed by the Board. These records contain information about an individual relating to birth date; education; veteran status; tenure; handicap; past and present salaries; grades, and position titles; personnel actions, including but not limited to appointment, reassignment, demotion, detail, promotion, transfer, and separation; photograph, awards; and other information relating to the status of the individual.

Authority for maintenance of the system:

5 U.S.C. 8474.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in these records may be used:

a. To provide reports to Congress, agencies, and the public on characteristics of the work force.

b. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in file folders.

Retrievability:

Records are indexed by combination of name or identification number.

Safeguards:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal:

Retained indefinitely.

System manager(s) and address:

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, DC 20044.

Notification procedure:

Inquiries, including name, date of birth, and social security numbers should be addressed to the System Manager, address above.

Record access procedures:

Current and former Board employees who wish to gain access and contest their records should direct such a request in writing, including their name, date of birth, and social security number to the System Manager, address above.

Record source categories:

Information in this system of records comes from either the individual to whom it applies, extracted from documents he or she supplied, or data provided by Board officials and employees.

Systems exempted from certain provisions of the act:

None.

FRTIB-11

System name:

Employee Locator Card Files.

System location:

Federal Retirement Thrift Investment Board, Room 214, 1717 H Street NW., Washington, DC.

Categories of individuals covered by the system:

Employees of the Board.

Categories of records in the system:

This system contains information regarding the organizational location and telephone extension of individual Board employees. The system also contains the home address and telephone number of the employee, and the name, address, and telephone number of an individual to contact in the event of a medical or other emergency involving the employee.

Authority for maintenance of the system:

5 U.S.C. 8474.

Purpose(s):

Information is collected for this system for use in preparing telephone directories of the extensions of Board employees. The record also serves to identify an individual for Board officials to contact, should an emergency of a medical or other nature involving the employee occur while the employee is on the job. These records may be used to locate individuals for personnel research.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records and information in these records may be used:

- By the Board in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of the elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.
- To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained on cards.

Retrievability:

Records are retrieved by the name of the individual on whom they are maintained.

Safeguards:

Records are maintained in secured areas and are available only to authorized personnel whose duties require access.

Retention and disposal:

Records are maintained as long as the individual is an employee of the Board. Expired records are destroyed by burning or shredding.

System manager(s) and address:

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, DC 2004.

Notification procedure:

Board employees wishing to inquire whether this system contains information about them should contact the System Manager. Individuals must supply their full name for their records to be located and identified.

Record access procedures:

Board employees wishing to request access to records about them should contact the System Manager. Individuals must supply their full name for their records to be located and identified.

Contesting record procedures:

Office employees may amend information in these records at any time by resubmitting the cards. Individuals wishing to request amendment of their records under the provisions of the Privacy Act should contact the Board's Administrative Officer. Individuals must furnish full name for their records to be located and identified.

Record source categories:

Information is provided by the individual who is the subject of the record.

Systems exempted from certain provisions of the act:

None.

FRTIB-12

System name:

Grievance Records.

System location:

Federal Retirement Thrift Investment Board, Room 214, 1717 H Street, NW., Washington, DC.

Categories of individuals covered by the system:

Current or former Board employees who have filed grievance.

Categories of records in the system:

The system contains records relating to grievances filed by Board employees. These case files contain all documents related to the grievance including statements of witnesses, reports of interviews and hearings, examiners' findings and recommendations, a copy of the original decision, and related correspondence and exhibits. This system does not include files and records of any grievance filed under negotiated procedures with recognized labor organizations.

Authority for maintenance of the system:

5 U.S.C. 8474.

Purpose(s):

These records are used to process grievances submitted by Board employees for personal relief in a matter of concern or dissatisfaction which is subject to the control of agency management.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records and information in these records may be used:

- To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

- To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

- To disclose information to a Federal agency in response to its request in connection with the hiring or retention of an employee, issuance of a security clearance, conducting of a security or suitability investigation of an individual, the classifying of jobs, letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the agency's decision on the matter.

- To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Council, when requested in connection with appeals, special studies of the civil service and other merit systems, alleged or possible prohibited personnel practices, and such other functions as may be authorized by law.

- To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discriminatory practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with the Uniform Guidelines on Employee Selection Procedures, or other functions vested in the Commission.

- To disclose information to the Federal Labor Relations Authority or its General Counsel when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel.

- To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are maintained in file folders.

Retrievability:

These records are retrieved by the names of the individuals on whom they are maintained.

Safeguards:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

Retention and disposal:

These records are disposed of 3 years after closing of the case. Disposal is by shredding or burning.

System manager(s) and address:

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, DC 20044.

Notification procedure:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the personnel or designated office where the action was processed, regarding the existence of such records on them. They must furnish the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.
- c. Approximate date of closing of the case and kind of action taken.

Record access procedures:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. However, after the action has been closed, an individual may request access to the official copy of the grievance file by contacting the personnel or designated office where the action was processed. Individuals must provide the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.
- c. Approximate date of closing of the case and kind of action taken.

Contesting record procedures:

Review of request: from individual's seeking amendment of their records which have been the subject of a judicial or quasijudicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment to their records to correct factual errors should contact the personnel or designated office where the grievance was processed. Individuals must furnish the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.
- c. Approximate date of closing of the case and kind of action taken.

Record source categories:

Information in this system of records is provided:

- a. By the individual on whom the record is maintained.
- b. By testimony of witnesses.
- c. By agency officials.
- d. From related correspondence from organizations or persons.

Systems exempted from certain provisions of the act:

None.

FRTIB-13**System name:**

Recruiting and Placement Records.

System location:

Federal Retirement Thrift Investment Board, Room 214, 1717 H Street, NW., Washington, DC 20044.

Categories of individuals covered by the system:

Persons who have applied for employment with or are employed by the Board.

Categories of records in the system:

These records may contain information relating to the education, training, employment history and earnings, appraisal of past performance, convictions for offenses against the law, results of tests, appraisal of potential, honors, awards of fellowships, military service, veteran status, school transcripts, work samples, birth date; social security number, shipping authorizations; travel vouchers, offer letters and

correspondence, reference checks, and home address of persons who have applied for Board employment or are employed by the Board.

Authority for maintenance of the system:

5 U.S.C. 8474.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in these records may be used:

a. To refer applicants for purposes of consideration for placement in positions for which an applicant has applied and is qualified. This includes various government organizations.

b. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State or local, charged with the responsibility of investigating or prosecuting such violation or with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

c. To request information from a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

d. To provide information or disclose to a Federal agency, or any other employer or prospective employer in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system.**Storage:**

Records are maintained on magnetic tapes, lists, forms, and in folders.

Retrievability:

Records are indexed by name, combination of birth date, social security account number, and applicable identification number.

Safeguards:

Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal:

- a. Files of eligibles. Retained for a minimum of one year after date of determination that no suitable position exists currently.
- b. Index cards. Destroyed when no longer needed.

System manager(s) and address:

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, DC 20044.

Notification procedure:

Individuals should provide name, date of birth, social security number, identification number (if known), approximate date of record, and type of position with which concerned to the System Manager, address above.

Record access procedures:

Individuals should provide name, date of birth, social security number, identification number (if known), approximate date of record, and type of position with which concerned to the System Manager, address above.

Record source categories:

Information in this system of records either comes from the individual to whom it applies or is derived from information he or she supplies, except reports from medical personnel on physical qualifications; and statements supplied by references.

Systems exempted from certain provisions of the act:

Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (5 CFR 1630.16), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) Such portions represent investigatory material compiled for law enforcement purposes; or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

FRTIB-14**System name:**

Financial Disclosure Reports and Outside Business Interest Records.

System location:

Federal Retirement Thrift Investment Board, Room 214, 1717 H Street NW, Washington, DC.

Categories of individuals covered by the system:

Board members, officials, and key Board employees who are required to file annual financial disclosure reports pursuant to Title II of the Ethics in Government Act, as amended, Pub. L. 95-521, 1978 and Pub. L. 96-19, 1979 or pursuant to Board Regulation, and outside business interest application forms, filed pursuant to Board regulations.

Categories of records in the system:

These records contain:

- The annual financial disclosure reports filed on forms prescribed by the Office of Government Ethics, for those Board members and officials who are required by statute to file these reports;
- Confidential annual financial disclosure reports filed annually by designated Board employees who are required by Board regulations to file these reports; and
- Outside business interest application forms filed by employees pursuant to Board regulation.

Authority for maintenance of the system:

5 U.S.C. 8474.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The information in these records may be used:

- To provide information to the Office of Government Ethics.
- To provide copies of those financial disclosure reports filed pursuant to the Ethics in Government Act to the public, upon request.
- To refer, where there is an indication of a violation or potential violation of law, to the appropriate agency, whether federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are maintained in file folders in locked steel file cabinets.

Retrievability:

These records are indexed by the names of the individuals to whom they pertain.

Safeguards:

Access to and use of these records is restricted to those persons whose official duties require such access.

Retention and disposal:

- Financial disclosure reports filed pursuant to the Ethics in Government Act are retained for the statutorily required six-year period, after which they are destroyed, unless needed in an ongoing investigation.
- Confidential financial disclosure reports filed pursuant to Board regulation are maintained indefinitely.
- Outside Business Interest Applications are maintained indefinitely.

Notification procedure:

- Requests for access to financial disclosure reports filed pursuant to the Ethics in Government Act are to be submitted on the form provided by the Office of Government Ethics.
- Individuals wishing to have access to their own confidential financial disclosure reports or outside business interest applications should contact the System Manager above.

Record access procedures:

Individuals wishing to gain access to or to correct information maintained about them in this system of records should contact the System Manager above. Former Board employees should direct such a request in writing, including their name, date of birth and social security number.

Record source categories:

Individual to whom the record pertains.

Systems exempted from certain provisions of the act:

None.

FRTIB-15

System name:

Health Records.

System location:

Federal Retirement Thrift Investment Board, Room 214, 1717 H Street, NW, Washington, DC.

Categories of individuals covered by the system:

- Applicants for disability retirement.
- Current and former Board employees.

Categories of records in the system:

- Information relating to an individual's medical qualifications to hold a position with the Board.
- Medical information relating to an individual's capability (physically and mental) to satisfactorily perform the duties of the position he or she holds or held.
- Information relating to an employee's participation in an occupational health services program.
- Information relating to pre-employment or periodic medical examinations to assure that the incumbent is qualified (physically and mentally) to satisfactorily perform the duties of the position.
- Information attesting to an annuitant's state of health as required for insurable interest survivor annuity elections.
- Information relating to handicaps.
- Information relating to employee participation in the Federal Civilian Employee Alcoholism and Drug Abuse Program.

Authority for maintenance of the system:

5 U.S.C. 8474.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

- Information in these records is used to:
 - Support applications for disability retirement
 - Support insurable interest survivor annuity elections
 - Assist in medical counseling
- Information used in these records may be provided to private contractors providing employee benefits and to officials of other Federal agencies responsible for Federal benefit programs administered by:

- Office of Workmen Compensation Programs
- Retired Military Pay Centers
- Veterans Administration
- Social Security Administration
- Office of Personnel Management

3. Information in these records is used:

- To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.
- To request information from a Federal, state or local agency maintaining civil, criminal or other relevant enforcement or other pertinent information, such as a license, if necessary to obtain relevant information to the Board's decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a grant or other benefit.
- To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are in folders.

Retrievability:

Records are indexed by name, social security number, identification number, date of birth and/or claim number.

Safeguards:

Access to and use of these records are limited to those persons whose official duties require such access. Records are stored in lockable metal containers.

Retention and disposal:

- Medical certificates and other medical records of examination used to determine an employee's fitness for a job are retained 6 years after separation.
- Miscellaneous medical records, correspondence dispensary records and similar papers are retained for 6 months after separation.

c. Applicant's medical records are retained for 6 years after separation.

d. Disability requirement medical files are retained for 6 years after separation.

System manager(s) and address:

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, D.C. 20044.

Notification procedure:

Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name of office or division in which currently or formerly employed, and annuity account number, if any has been assigned to the System Manager, address above.

Record access procedures:

Board employees wishing to request access to records about them should contact the System Manager. Individuals must supply their full name for their records to be located and identified.

Contesting record procedures:

Office employees may amend information in these records at any time by resubmitting the cards. Individuals wishing to request amendment of their records under the provisions of the Privacy Act should contact the Board's Administrative Officer. Individuals must furnish full name for their records to be located and identified.

Record source categories:

Information is provided by the individual who is the subject of the record.

Systems exempted from certain provisions of the act:

None.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR PART 1630—PRIVACY ACT REGULATIONS

- Sec.
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Authority: 5 U.S.C. 552a.

Source: 52 FR 8053, Mar. 16, 1987, unless otherwise noted.

§ 1630.1 Purpose and scope.

These regulations implement the Privacy Act of 1974, 5 U.S.C. 552a. The regulations apply to all records maintained by the Federal Retirement Thrift Investment Board that are contained in a system of records and that contain information about an individual. The regulations establish procedures that (a) authorize an individual's access to records maintained about him or her; (b) limit the access of other persons to those records; and (c) permit an individual to request the amendment or correction of records about him or her.

§ 1630.2 Definitions.

For the purposes of this part—

- (a) "Agency" means agency as defined in 5 U.S.C. 552(e);
- (b) "Board" means the Federal Retirement Thrift Investment Board;
- (c) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.
- (d) "Maintain" means collect, use or distribute;
- (e) "Record" means any item, collection, or grouping of information about an individual that is maintained by the Board, including but not limited to education, financial transactions, medical history, and criminal or

employment history and that contains the individual's name, identifying number, symbol, or other identifiers assigned to the individual, such as a finger or voice print or a photograph;

(f) "System manager" means the employee of the Board who is responsible for the maintenance, collection, use or distribution of information contained in a system of records;

(g) "System of records" means a group of any records controlled by the Board and from which information is retrieved by the name of the individual;

(h) "Routine use" means, with respect to the disclosure of a record, the use of that record for a purpose consistent with the purpose for which it was collected;

(i) "Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by 13 U.S.C. 8;

(j) "Subject individual" means the individual by whose name or other personal identifier a record is maintained or retrieved;

(k) "Work days" as used in calculating the date when a response is due, includes those days when the Board is open for the conduct of government business and does not include Saturdays, Sundays and legal public holidays.

§ 1630.3 Annual notice of systems of records maintained.

The Board will publish in the *Federal Register* upon establishment or revision a notice of the existence and character of the systems of records the Board maintains. The notice shall include (a) the system name, (b) the system location, (c) the categories of individuals covered by the system, (d) the categories of records in the system, (e) the Board's authority to maintain the system, (f) the routine uses of the system, (g) the Board's policies and practices for maintenance of the system, (h) the system manager, (i) the procedures for notification, access to and correction of records in the system, and (j) the sources of information for the system.

§ 1630.4 Determining if an individual is the subject of a record.

(a) Individuals desiring to know if a specific system of records maintained by the Board contains a record pertaining to them should address inquiries to the Privacy Act Officer, Federal Retirement Thrift Investment Board, 805 Fifteenth Street, NW, Washington, DC 20005. With respect to

Thrift Savings Plan records, the employee's first inquiry should be made to his or her servicing payroll office.

(b) Inquiries must be in writing and the words "PRIVACY ACT REQUEST" should be printed on both the letter and the envelope. The request letter should contain the complete name and identifying number of the pertinent system as published in the annual *Federal Register* notice describing the Board's Systems of Records; the full name and address of the subject individual; a brief description of the nature, time, place and circumstances of the individual's prior association with the Board; and any other information the individual believes would help the Privacy Act Officer determine whether the information about the individual is included in the system of records. In instances when the information is insufficient to ensure disclosure to the subject individual to whom the record pertains, the Board reserves the right to ask the requestor for additional identifying information.

(c) To the extent possible, the Privacy Act Officer will answer or acknowledge the inquiry within 10 work days of its receipt by the Board. When the response cannot be made within 10 work days, the Privacy Act Officer will provide the requestor with the date when a response may be expected and, whenever possible, the specific reasons for the delay.

[52 FR 8053, Mar. 16, 1987, as amended at 53 FR 31629, Aug. 19, 1988]

§ 1630.5 Requesting access to a record.

(a) An individual requesting access to a record about himself or herself in a system of records maintained by the Board must submit the request in writing to the Privacy Act Officer.

(b) The request for access should contain the same information set forth in § 1630.4(b). However, if the request for access follows a request made under § 1630.4 (a) and (b) of this part, the identifying information need not be repeated provided that a copy of the prior request or a copy of the Board's response to that request is attached. The request should state if a copy of the record is desired.

§ 1630.5 Granting access to a designated individual.

An individual who wishes to have a person of his or her choosing review a record or accompany him or her in reviewing or obtaining a copy of a record must, prior to the disclosure, sign a statement authorizing the disclosure of his or her record. The statement shall be maintained with the record.

§ 1630.7 Action on request.

(a) The Privacy Act Officer shall acknowledge a request for access within 10 work days of its receipt by the Board. At a minimum, the acknowledgement shall include:

- (1) When and where the records will be available;
- (2) Name, title and telephone number of the official who will make the records available;
- (3) Whether access will be granted only by providing a copy of the record through the mail, or only by examination of the record in person if the Privacy Act Officer after consulting with the appropriate system manager has determined the requestor's access would not be unduly impeded;
- (4) Fee, if any, charged for copies (See § 1630.17); and
- (5) Identification documentation required to verify the identity of the requestor (see § 1630.9).

§ 1630.8 Identification requirements.

(a) A requestor should be prepared to identify himself or herself by signature, i.e., to note by signature the date of access and/or to produce two other legal forms of identification (driver's license, employee identification, annuitant card, passport, etc.).

(b) If an individual is unable to produce adequate identification, the individual shall sign a statement asserting identity and acknowledging that knowingly or willfully seeking or obtaining access to records about another person under false pretenses may result in a fine of up to \$5,000 (see § 1630.18). In addition, depending upon the sensitivity of the records, the Privacy Act Officer after consulting with the appropriate system manager may require further reasonable assurances, such as statements of other individuals who can attest to the identity of the requestor.

(c) If access is granted by mail and, in the opinion of the Privacy Act Officer after consulting with the appropriate system manager, the granting of access through the mail may result in harm or embarrassment if disclosed to a person other than the subject individual, a notarized statement of identity or some other similar assurance of identity will be required.

§ 1630.9 Access of others to records about an individual.

(a) No official or employee of the Board shall disclose any record to any person or to another agency without the express written consent of the subject individual, unless the disclosure is:

- (1) To officers or employees (including contract employees) of the Board who

need the information to perform their official duties;

(2) Pursuant to the requirements of the Freedom of Information Act, 5 U.S.C. 552;

(3) For a routine use that has been published in a notice in the **Federal Register**;

(4) To the Bureau of the Census for uses under Title 13 of the United States Code;

(5) To a person or agency who has given the Board advance written notice of the purpose of the request and certification that the record will be used only for statistical purposes. (In addition to deleting personal identifying information from records released for statistical purposes, the Privacy Act Officer shall ensure that the identity of the individual cannot reasonably be deduced by combining various statistical records);

(6) To the National Archives of the United States if a record has sufficient historical or other value to be preserved by the United States Government, or to the Privacy Act Officer (or a designee) to determine whether the record has that value;

(7) In response to a written request that identifies the record and the purpose of the request made by another agency or instrumentality of any Government jurisdiction within or under the control of the United States for civil or criminal law enforcement activity, if that activity is authorized by law;

(8) To a person who, showing compelling circumstances, needs the information to prevent harm to the health or safety of an individual, but not necessarily the individual to whom the record pertains (upon such disclosure, a notification shall be sent to the last known address of the subject individual);

(9) To either House of Congress, or to a Congressional committee or subcommittee if the subject matter is within its jurisdiction;

(10) To the Comptroller General, or an authorized representative, to carry out the duties of the General Accounting Office;

(11) Pursuant to a court order;

(12) To a consumer reporting agency in accordance with section 3711(f) of Title 31.

§ 1630.10 Access to the accounting of disclosures from records.

Rules governing access to the accounting of disclosures are the same as those granting access to the records.

§ 1630.11 Denials of access.

(a) The Privacy Act Officer may deny an individual access to his or her record if:

(1) In the opinion of the Privacy Act Officer, the individual seeking access has not provided sufficient identification documentation to permit access;

(2) The Board has published rules in the **Federal Register** exempting the pertinent system of records from the access requirement; or

(3) The record relates to the status of the employee's retirement account which is provided to the employee on a semi-annual basis.

(b) If access is denied, the requestor shall be informed of the reasons for denial and the procedures to obtain a review of the denial (see § 1630.15).

§ 1630.12 Requirements for requests to amend records.

(a) Individuals who desire to correct or amend a record pertaining to them should submit a written request to the Privacy Act Officer, Federal Retirement Thrift Investment Board, 805 Fifteenth Street, NW, Washington, DC 20005. The words "PRIVACY ACT—REQUEST TO AMEND RECORD" should be written on the letter and the envelope.

(b) The request for amendment or correction of the record must state the exact name of the system of records as published in the **Federal Register**; a precise description of the record proposed for amendment; a brief statement describing the information the requestor believes to be inaccurate or incomplete, and why; and the amendment or correction desired. If the request to amend the record is the result of the individual's having accessed the record in accordance with §§ 1630.5, 1630.6, 1630.7 or 1630.8, copies of previous correspondence between the requestor and the Board should be attached, if possible.

(c) Individuals needing assistance in preparing a request to amend a record may contact the Privacy Act Officer at the address cited in § 1630.14(a).

(d) If the individual's identity has not been previously verified, the Board may require identification documentation as described in § 1630.8.

[52 FR 8053, Mar. 16, 1987, as amended at 53 FR 31629, Aug. 19, 1988]

§ 1630.13 Action on request to amend a record.

(a) A request for amendment of a record will be acknowledged within 10 work days of its receipt by the Board. If a decision cannot be made within this time, the requestor will be informed by mail of the reasons for the delay and the

date when a reply can be expected, normally within 30 work days from receipt of the request.

(b) The final response will include the Board's determination of whether to grant or deny the request. If the request is denied, the response will include:

- (1) The reasons for the decision;
- (2) The name and address of the official to whom an appeal should be directed;
- (3) The name and address of the official designated to assist the individual in preparing the appeal;
- (4) A description of the appeal process with the Board; and
- (5) A description of any other procedures which may be required of the individual in order to process the appeal.

§ 1630.14 Procedures for review of determination to deny access to or amendment of records.

(a) Individuals who disagree with the refusal of the Board to grant them access to or to amend a record about them should submit a written request for review to the Privacy Act Officer, Federal Retirement Thrift Investment Board, 805 Fifteenth Street, NW, Washington, DC 20005. The words "PRIVACY ACT—APPEAL" should be written on the letter and the envelope. Individuals desiring assistance preparing their appeal should contact the Privacy Act Officer.

(b) The appeal letter must be received by the Board within 30 calendar days from the date the requestor received the notice of denial. At a minimum, the appeal letter should identify:

- (1) The records involved;
 - (2) The date of the initial request for access to or amendment of the record;
 - (3) The date of the Board's denial of that request; and
 - (4) The reasons supporting the request for reversal of the Board's decision.
- Copies of previous correspondence from the Board denying the request to access or amend the record should also be attached, if possible.

(c) The Board reserves the right to dispose of correspondence concerning the request to access or amend a record if no request for review of the Board's decision is received within 180 days of the decision date. Therefore, a request for review received after 180 days may, at the discretion of the Privacy Act Officer, be treated as an initial request to access or amend a record.

[52 FR 8053, Mar. 16, 1987, as amended at 53 FR 31629, Aug. 19, 1988]

§ 1630.15 Appeals process.

(a) Within 20 work days of receiving the request for review, a review group

composed of the Privacy Act Officer, the General Counsel and the official having operational control over the record, will propose a determination on the appeal for the Executive Director's final decision. If a final determination cannot be made in 20 work days, the requestor will be informed of the reasons for the delay and the date on which a final decision can be expected. Such extensions are unusual, and should not exceed an additional 30 work days.

(b) If the original request was for access and the initial determination is reversed, the procedures in § 1630.7 will be followed. If the initial determination is upheld, the requestor will be so informed and advised of the right to judicial review pursuant to 5 U.S.C. 552a(g).

(c) If the initial denial of a request to amend a record is reversed, the Board will correct the record as requested and advise the individual of the correction. If the original decision is upheld, the requestor will be so advised and informed in writing of the right to judicial review pursuant to 5 U.S.C. 552a(g). The requestor will be advised of his or her right to file a concise statement of disagreement with the Executive Director. The statement of disagreement should include an explanation of why the requestor believes the record is inaccurate, irrelevant, untimely or incomplete. The Executive Director shall maintain the statement of disagreement with the disputed record, and shall include a copy of the statement of disagreement to any person or agency to whom the record has been disclosed, if the disclosure was made pursuant to § 1630.9.

§ 1630.16 Exemptions.

(a) Pursuant to subsection (k) of the Privacy Act, 5 U.S.C. 552a, the Board may exempt certain portions of records within designated systems of records from the requirements of the Privacy Act, (including access to and review of such records pursuant to this part) if such portions are:

- (1) Subject to the provisions of section 552(b)(1) of the Freedom of Information Act, 5 U.S.C. 552;
- (2) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of the Privacy Act, 5 U.S.C. 552a; Provided, however, that if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the

disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of the Privacy Act, 5 U.S.C. 552a, under an implied promise that the identity of the source would be held in confidence;

(3) Maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 3056 of title 18 of the United States Code;

(4) Required by statute to be maintained and used solely as statistical records;

(5) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosures of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of the Privacy Act, 5 U.S.C. 552a, under an implied promise that the identity of the source would be held in confidence;

(6) Test or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process; or

(7) Evaluation material used to determine potential for promotion in the armed services, but only to the extent that the disclosure of such material be held in confidence, or, prior to the effective date of the Privacy Act, 5 U.S.C. 552a, under an implied promise that the identity of the source would be held in confidence.

(b) Those designated systems of records which are exempt from the requirements of this part or any other requirements of the Privacy Act, 5 U.S.C. 552a, will be indicated in the notice of designated systems of records published by the Board.

(c) Nothing in this part shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

§ 1630.17 Fees.

(a) Individuals will not be charged for:

- (1) The search and review of the record;

- (2) Any copies produced to make the record available for access;

(3) Copies of the requested record if access can only be accomplished by providing a copy through the mail; and

(4) Copies of three (3) or less pages of a requested record.

(b) Records will be photocopied for 10 cents a page for paragraphs (a), (1), (2), (3), (4) of this section. If the record is larger than 8½ × 14 inches, the fee will be the cost of reproducing the record through Government or commercial sources.

(c) Fees shall be paid in full prior to issuance of requested copies. Payment shall be by personal check or money order payable to the Federal Retirement

Thrift Investment Board, 805 Fifteenth Street, NW, Washington, DC 20005.

(d) The Privacy Act Officer may waive the fee if: (1) The cost of collecting the fee exceeds the amount collected; or (2) The production of the copies at no charge is in the best interest of the Board.

(e) A receipt will be furnished on request.
[52 FR 8053, Mar. 16, 1987, as amended at 53 FR 31629, Aug. 19, 1988]

§ 1630.18 Penalties.

(a) Title 18, U.S.C. 1001, Crimes and Criminal Procedures, makes it a criminal offense, subject to a maximum fine of

\$10,000 or imprisonment for not more than five years, or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representation in any matter within the jurisdiction of any agency of the United States. Section (i)(3) of the Privacy Act, 5 U.S.C. 552a (i)(3), makes it a misdemeanor, subject to a maximum fine of \$5,000 to knowingly and willfully request or obtain any record concerning an individual under false pretenses. Sections (i) (1) and (2) of 5 U.S.C. 552a provide penalties for violations by agency employees of the Privacy Act or regulations established thereunder.

FEDERAL TRADE COMMISSION

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FTC-1

System name:

Biographies of Commissioners and Key Staff Members—FTC.

System location:

Office of Public Information—Room 496, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW, Washington, D.C. 20580.

Categories of individuals covered by the system:

Commissioners and key FTC staff members (current).

Categories of records in the system:

Contains name, biographical data (such as education, employment, etc.), and in some cases a photograph and/or news release on the individual's appointment.

Authority for maintenance of the system:

Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Resource material for writing news releases and FTC publications, and for filing requests for information from members of the media; used by OPA staff members. (With concurrence of individual concerned, information is prepared in biographical sketch format for release to news media and general public upon request.)

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Written documents and glossy photographs in manila folders in lockable file cabinet.

Retrievability:

Indexed by name.

Safeguards:

Available to public.

Retention and disposal:

Upon or shortly after departure from Commission, individual's biographical sketch and photograph are destroyed. Photos may be given to subject.

System manager(s) and address:

Public Information Assistant, Office of Public Affairs, Room 496, Federal Trade Commission, Washington, D.C. 20580.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual whose biography and/or picture is contained in the system.

FTC-2

System name:

Correspondence Control System—FTC.

System location:

Comnet, Inc., 5185 MacArthur Blvd., Washington, D.C. 20016.

Categories of individuals covered by the system:

All individuals formally requesting information from, or submitting complaints to, the FTC (including regional offices) in writing; staff members assigned to respond to correspondence.

Categories of records in the system:

Writer's name and address; nature of inquiry or complaint, including product and violation codes; and name of staff member(s) assigned to respond to letter.

Authority for maintenance of the system:

Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by headquarters and regional office staff as a management tool for tracking correspondence coming into the FTC (including regional offices), including keeping abreast of assignments and response deadlines. Nonpersonal information is abstracted to provide statistical data on the number and types of correspondence to which the Commission responds.

Referral to person, partnership, or corporation complained about by Commission staff or by another Federal, State, or local government agency to whom matter has been referred, when considered appropriate.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Records are retained in the Comnet computer after a response to the correspondence has been made, then purged from the system.

after the nonpersonal data has been added to a statistical accounting file. The nonpersonal statistical data accumulated in the computer since October 1977 is retrievable from the computer.

System manager(s) and address:

Supervisor, Correspondence Branch, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW, Washington, D.C. 20580.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual on whom record is maintained; supervisors.

FTC-3

System deleted.

FTC-4

System name:

Claimants Under Federal Tort Claims Act and Military Personnel and Civilian Employees' Claims Act-FTC.

System location:

Federal Trade Commission, Office of the General Counsel, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580

Categories of individuals covered by the system:

Individuals who have claimed reimbursement from FTC under Federal Tort Claims Act and Military Personnel and Civilian Employees' Claims Act.

Categories of records in the system:

Personal information relating to traffic accidents and other incidents in which the FTC may be liable for property damage or loss or personal injuries.

Authority for maintenance of the system:

Federal Tort Claims Act, 28 U.S.C. 2671 et seq.; Military Personnel and Civilian Employees' Claims Act, 31 U.S.C. 241 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To determine whether the FTC should honor claims for personal injuries or loss or damage to property in incidents involving FTC employees. Referral to Department of Justice, GSA, or other federal agency when the matter comes within the jurisdiction of such agency. Discussion and correspondence with insurance companies, with other persons or entities that may be liable, with potential witnesses or others having knowledge of the matter.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of a private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Stored in manila file folders in file cabinet.

Retrievability:

The system is filed alphabetically by name of the FTC employee involved in each incident.

Safeguards:

The files are stored in an unlocked file cabinet in the Office of the Tort Claims officer. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal:

The records are stored for 10 years, then destroyed.

System manager(s) and address:

Executive Director, Federal Trade Commission, Washington, D.C. 20580.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Information is obtained from claimant, FTC employee involved in incident, other FTC employees or other persons having knowledge of the circumstances, official police report (if any), and insurance company representing claimant (if any).

FTC-5

System deleted.

FTC-6

System deleted.

FTC-7

System name:

Congressional Correspondence Coordination Unit Records, Office of Congressional Relations-FTC.

System location:

Congressional Correspondence Coordination Unit, Office of Congressional Relations, Federal Trade Commission, Washington, D.C. 20580.

Categories of individuals covered by the system:

Members of Congress, President and Vice President.

Categories of records in the system:

Name; address; title; any other personal information in letter.

Authority for maintenance of the system:

Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local government agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Disclosure may be made to a congressional office, White House Correspondence Office and the Vice President's Correspondence Office from the record of an individual only when these offices make requests on behalf of the private citizen.

Referral to person, partnership, or corporation complained about by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred, when considered appropriate.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manila folders.

Retrievability:

Indexed by name of congressman, President and Vice President.

Safeguards:

Stored in lockable metal cabinets. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal:

Transferred to Federal Records Center at end of six years.

System manager(s) and address:

Director, Office of Congressional Relations, Federal Trade Commission, Washington, D.C. 20580.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Congressmen.

FTC-8

System name:

Congressional Inquiry Files, Dallas Regional Office—FTC.

System location:

Dallas Regional Office, 2001 Bryan Tower, Suite 2665, Dallas, Texas 75201.

Categories of individuals covered by the system:

Constituents who have written their congressional representatives for aid in resolving consumer problems, and Members of Congress.

Categories of records in the system:

Contains consumer letters, letters from Members of Congress transmitting the complaints, FTC's acknowledgement of the complaints, and FTC's replies to the congressional representatives.

Authority for maintenance of the system:

FTC Administrative Manual, 1-201.1; Federal Records Act, Section 506(a); GSA Regulations (Sec. 101-11.209-3); Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about by Commission staff or by another federal, state or local governmental agency to whom matter has been referred, when considered appropriate.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of a private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Maintained generally on letterhead forms.

Retrievability:

Indexed by name of Member of Congress.

Safeguards:

Records are maintained in a file cabinet locked by key. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal:

Records are retained for 6 months, then destroyed.

System manager(s) and address:

Regional Director, Federal Trade Commission, Dallas Regional Office, 2001 Bryan Tower, Suite 2665, Dallas, Texas 75201.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual on whom record is maintained, Members of Congress.

FTC-9

System name:

Consultant Files, Division of Advertising Practices, Bureau of Consumer Protection—FTC.

System location:

Bureau of Consumer Protection, Federal Trade Commission, Star Building, Rm. 6414A, 1101 Pennsylvania Ave., NW, Washington, D.C. 20580.

Categories of individuals covered by the system:

Consultants consisting of experts in various fields, including medical and scientific.

Categories of records in the system:

Contains name, curriculum vitae, resume of employment, lists of publications in field, copies of application forms submitted to FTC.

Authority for maintenance of the system:

Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Identification of medical doctors, scientists and other experts who are available on a consultant basis to advise professional staff members of the Bureau of Consumer Protection. Used by staff members of the Bureau of Consumer Protection.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of a private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Letter-size files in regulation cabinet.

Retrievability:

Indexed by name:

Safeguards:

Secured as are other files by locking of office door at night. Building guard stationed at building entrance. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal:

Maintained indefinitely for future reference.

System manager(s) and address:

Administrative Officer, Division of Advertising Practices, Federal Trade Commission, Star Building—Room 6414A, 1101 Pennsylvania Avenue, NW, Washington, D.C. 20580.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual on whom record is maintained.

FTC-10

System name:

Consumer and Industry Correspondence Files, Division of Credit Practices; Bureau of Consumer Protection—FTC.

System location:

Division of Credit Practices, 633 Indiana Avenue, NW, Washington, D.C. 20580.

Comnet, Inc., 5185 MacArthur Blvd., Washington, D.C. 20016.

Categories of individuals covered by the system:

Consumer and industry correspondence.

Categories of records in the system:

Correspondence.

Authority for maintenance of the system:

Federal Trade Commission Act, Truth in Lending Act, Fair Credit Reporting Act, Equal Credit Reporting Act, Equal Credit Opportunity Act, Fair Credit Billing Act and Fair Debt Collection Practices Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred, when considered appropriate.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of a private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in folders, on credit documents coding forms, and on disc.

Retrievability:

Folders are indexed by name—usually corporate name. Computer retrievability of the credit document coding form by consumer name, industry name, statute, Equal Credit Opportunity Act categories and statutory violation section.

Safeguards:

Maintained in file cabinets. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal:

Selected statutory correspondence maintained indefinitely; other materials retained for a minimum of 3 years, then destroyed.

System manager(s) and address:

Associate Director for Credit Practices, Bureau of Consumer Protection, 633 Indiana Avenue, NW, Washington, D.C. 20580.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual.

FTC-11

System name:

Consumer Complaint Files, Atlanta Regional Office—FTC.

System location:

Atlanta Regional Office, 1718 Peachtree Street, NW, Room 1000, Atlanta, Georgia 30309.

Categories of individuals covered by the system:

Members of the general public.

Categories of records in the system:

Consists of letters from individuals filing complaints as to unsatisfactory commercial transactions and practices of various firms, businesses and individuals. System also includes a complaint log identifying party complained of and individual complaints.

Authority for maintenance of the system:

Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred, when considered appropriate.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in letter-size file folders.

Retrievability:

Filed alphabetically by name.

Safeguards:

Filed in metal file cabinet. Office locked when unattended. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal:

Retained for a minimum of one year and destroyed by delivering to and placing the material in local government-operated incinerator.

System manager(s) and address:

Regional Director, Atlanta Regional Office, 1718 Peachtree Street, NW, Room 1000, Atlanta, Georgia 30309.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

From individual members of the public and occasionally from other federal or state agencies.

FTC-12

System name:

Consumer Complaint File, Dallas Regional Office—FTC.

System location:

Federal Trade Commission, Dallas Regional Office, 2001 Bryan Tower, Suite 2665, Dallas, Texas 75201.

Categories of individuals covered by the system:

Individuals who have filed complaints or requested information.

Categories of records in the system:

Contains name and location of company complained about, violation, date complaint was received, and correspondence number.

Authority for maintenance of the system:

Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To identify companies complained about, number of complaints received on a company, and to identify problems in a particular industry. To respond to correspondence.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Referral to person, partnership, or corporation complained about by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred, when considered appropriate.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders filed numerically. Indexed and stored on NBI 3000 word processor.

Retrievability:

Retrieval is by violation code, product code, complainant's name, state, and the name of the company the complaint was filed against.

Safeguards:

Stored in lockable file cabinets and on NBI. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal:

Records are retained for 2 years in the Dallas regional office, then destroyed.

System manager(s) and address:

Regional Director, Dallas Regional Office, 2001 Bryan Tower, Suite 2665, Dallas, Texas 75201.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual filing complaint.

FTC-13

System name:

Consumer Complaint Files, Division of Marketing Practices; Bureau of Consumer Protection—FTC.

System location:

Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

Categories of individuals covered by the system:

Persons associated with, affiliated with, or representing the businesses involved in the alleged practices. Persons affected by the business or its alleged practices.

Categories of records in the system:

Name; address; transaction history with persons, partnerships or corporations.

Authority for maintenance of the system:

Section 5 of the Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred, when considered appropriate.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in folders, on franchise coding forms, and on disc.

Retrievability:

Indexed by name, company involved, alleged practice, names of persons associated with, affiliated with, or representing the business involved in the alleged practices, names of persons affected by the business or its alleged practices, source of contact, type of franchise, method of promotion, state of violation, product name, product category, source, victim, accession number, location number, types of violations, amounts of initial fees.

Safeguards:

Filing cabinets in secure buildings, computer ID required to enter computer system, computer job control language required to activate data, computer password required to open file. Access to computer system and filing cabinets restricted to those agency personnel whose responsibilities require access.

Retention and disposal:

Records maintained until enforcement action is final and then removed to GSA for permanent storage.

System manager(s) and address:

Associate Director for Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20570.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Consumer; federal, state or local enforcement agencies; private organizations (e.g., Better Business Bureaus, consumer hot lines) that receive consumer complaint letters.

FTC-14

System name:

Consumer Complaint Files, Los Angeles Regional Office—FTC.

System location:

Federal Trade Commission, Los Angeles Regional Office, 11000 Wilshire Boulevard, Room 13209, Los Angeles, California 90024.

Categories of individuals covered by the system:

Individuals who submit complaints against companies, practices, individuals in the Los Angeles Office area.

Categories of records in the system:

Name; address; information about the practices, activities, and policies of organizations or individuals submitted by various complainants.

Authority for maintenance of the system:

Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about by Commission staff or by another federal, state, or local government agency to whom matter has been referred, when considered appropriate. Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Indexed in log book by name of complainant.

Safeguards:

Stored in file cabinets. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal:

Retained for one year, then destroyed.

System manager(s) and address:

Assistant Regional Director, Federal Trade Commission, Los Angeles Regional Office, 11000 Wilshire Boulevard, Room 13209, Los Angeles, California 90024.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Consumers and business complainants.

FTC-15

System name:

Application for Reimbursement for Participation in Rulemaking Proceedings—FTC.

System location:

Information Division, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Director, Division of Budget and Finance, Federal Trade Commission, Room 774, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Authority for maintenance of the system:

Section 18(h) of the Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by the Division of Budget and Finance to prepare audit reports on applicant's use of approved funding.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

All material submitted by applicants, related correspondence, and all determinations by the General Counsel are placed on the public record (1) in the rulemaking record, and (2) in binders devoted solely to such applications.

The information is stored in binders on the public record in the Public Reference Room; duplicate and related internal memoranda stored in file folders in the Division of Budget and Finance.

Retrievability:

Filed under title of rulemaking proceeding and indexed by name of applicant.

Safeguards:

Maintained in lockable offices; requests for funding and responses thereto available to public.

Retention and disposal:

Retained indefinitely.

System manager(s) and address:

Secretary, Federal Trade Commission (Address same as System Location).

Director, Division of Budget and Finance, Federal Trade Commission (Address same as System Location).

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580. In order for personal information in this system to be retrieved, a request must specify the title of the rulemaking proceeding.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual applicant and commenting third parties, if any.

FTC-16**System name:**

Consumer Complaint Letters, Seattle Regional Office—FTC.

System location:

Federal Trade Commission, Seattle Regional Office, 2840 Federal Building, 915 Second Avenue, Seattle, Washington 98174.

Categories of individuals covered by the system:

Those persons who direct a consumer complaint or request for assistance or information to the Seattle Regional Office; those forwarding a complaint from a consumer such as a member of the media or another federal, state or local agency; individuals against whom complaints are received.

Categories of records in the system:

Name; address; nature of the consumer's complaint; the name and location of the party complained of; and the supporting documents, where provided.

Authority for maintenance of the system:

Federal Trade Commission Act; FTC Operating Manual provides for processing of consumer complaints.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about by Commission staff or by another federal, state, or local government agency to whom matter has been referred, when considered appropriate.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Maintained alphabetically by company name in file cabinet.

Retrievability:

Alphabetically by name of company complained of.

Safeguards:

Files are maintained in folders in a file cabinet; responsibility of file clerk. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal:

Held two years, then destroyed.

System manager(s) and address:

Regional Director, Seattle Regional Office, 2840 Federal Building, 915 Second Avenue, Seattle, Washington 98174.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Those consumers who have submitted a complaint or a request for assistance or information.

FTC-17**System name:**

Consumer Mailing List, Los Angeles Regional Office—FTC.

System location:

Federal Trade Commission, Los Angeles Regional Office, 11000 Wilshire Boulevard, Room 13209, Los Angeles, California 90024.

Categories of individuals covered by the system:

Individuals who have requested publications from the Los Angeles Regional Office and individuals who receive local Call for Comment.

Categories of records in the system:

Name; mailing address; and business title, if any.

Authority for maintenance of the system:

Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to mail Los Angeles Regional Office publications, FTC publications, and local Call for Comment to listed names. Used by Regional Office personnel.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Daconics magnetic disc.

Retrievability:

By name.

Safeguards:

Daconics disc storage. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal:

By disc erasure when consumer no longer desires publications or local Call for Comment. List is revised at least annually.

System manager(s) and address:

Assistant Director, Federal Trade Commission, Los Angeles Regional Office, 11000 Wilshire Boulevard, Room 13209, Los Angeles, California 90024.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual on whom the record is maintained.

FTC-18

System name:

Consumer Redress Lists, Enforcement Division, Bureau of Consumer Protection—FTC.

System location:

Enforcement Division, Bureau of Consumer Protection, Federal Trade Commission, 600 E Street NW, Rm. 801, Washington, D.C. 20580.

Categories of individuals covered by the system:

Consumers entitled to redress pursuant to Commission or court order.

Categories of records in the system:

Name, address, and other information pertinent to identifying consumers qualifying for consumer redress in specific proceedings.

Authority for maintenance of the system:

Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To identify consumers qualifying for consumer redress pursuant to Commission or court order. Used by Enforcement Division personnel, other FTC personnel, and personnel of other Federal agencies participating in proceedings involving consumer redress.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manila file folders and computer terminal.

Retrievability:

Indexed by name.

Safeguards:

Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal:

Records maintained until consumer redress is completed, then disposed of.

System manager(s) and address:

Associate Director for Enforcement, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 E Street NW, Rm. 801, Washington, D.C. 20580.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue NW, Washington, D.C. 20580. In order for personal information in this system to be retrieved, a request must specify the name of the firm or proceeding.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Affected consumers and other members of the public, persons, partnerships, or corporations subject to consumer redress orders.

FTC-19

System name:

Correspondence With Enforcement Division, Bureau of Consumer Protection, Concerning Parties Subject to Commission Orders—FTC.

System location:

Enforcement Division, Bureau of Consumer Protection, Federal Trade Commission, 600 E Street, NW, Rm. 801, Washington, D.C. 20580.

Categories of individuals covered by the system:

Persons corresponding with Enforcement Division concerning parties subject to Commission orders.

Categories of records in the system:

Correspondence.

Authority for maintenance of the system:

Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To respond to correspondence. To determine whether any further law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when the matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter may be referred.

Referral to person, partnership, or corporation complained about by Commission staff or by another federal, state, or local governmental agency to whom the matter was been referred, when considered appropriate.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manila file folders.

Retrievability:

Indexed by name of the respondent within file of each compliance matter.

Safeguards:

Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal:

Records maintained indefinitely in the Enforcement Division or shipped to the Legal and Public Records Division of FTC for permanent storage.

System manager(s) and address:

Associate Director of Enforcement (Address same as System Location).

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580. In order for personal information in this system to be obtained, a request must specify the name of the firm or proceeding.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individuals corresponding with Enforcement Division.

FTC-20

System name:

Employee Locator System—FTC.

System location:

Federal Trade Commission, Room 120, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Categories of individuals covered by the system:

Current FTC employees.

Categories of records in the system:

Name; employee number; building code and room number; office telephone number; correspondence code; contact code; mail drop code.

Authority for maintenance of the system:

Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to produce FTC telephone directory used by all agency personnel, and mail locator listings used by mail room personnel, used by library staff to ascertain an employee's identification number for subsequent use in retrieving information from the Automated Serials Routing System (FTC-45).

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic disc and tape.

Retrievability:

By name or employee number.

Safeguards:

Access restricted to those agency personnel with knowledge of the computer password for the system.

Retention and disposal:

Information is continuously updated; obsolete data is erased from system.

System manager(s) and address:

Chief, Facilities Management Section, Division of Administrative Services, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual on whom the record is maintained, administrative officers.

FTC-21

System name:

Counseling Records—FTC.

System location:

Division of Personnel, Federal Trade Commission, Washington, D.C. 20580.

Categories of individuals covered by the system:

Current employees of the Federal Trade Commission.

Categories of records in the system:

(a) Upward Mobility: Individual Development Plan and counseling notes; (b) Professional Training: Individual Development Plan and counseling notes; (c) Executive Development: Individual Development Plan and counseling notes; (d) Employee Relations: Counseling notes, unofficial memoranda about or given to employee concerning problems(s) which arises; (e) Debt Letters: Letters from creditors about debts owed by current employees and copies of employee responses.

Authority for maintenance of the system:

5 U.S.C. Chapter 41; Executive Order 11348; EEO Act 1972; Executive Order 11478; Title 5 U.S.C. 735.207; Executive Order 9830; 5 U.S.C.230.101; Federal Personnel Manual Chapter 250.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Upward Mobility, Professional Training and Executive Development—Used by program director or others whose official duties require such information to provide a record of employee goals and objectives and classes needed to attain those objectives and to maintain a record of courses taken.

Employee Relations and Debt—Used by Employee Relation Specialist or others whose official duties require such information. Information provides a record of counseling provided and resolution of problem(s). If the problem results in a disciplinary action, information in file may become part of an official record.

Referral to the Office of Personnel Management concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its governmentwide personnel management functions.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in manila folders.

Retrievability:

Records are indexed by name.

Safeguards:

Records are stored in lockable metal file cabinets. Access to and use of these records is limited to those persons whose official duties require such access.

Retention and disposal:

Destroyed upon completion of the program (Upward Mobility, Professional and Executive Development Programs) or upon employee's separation from the agency (Employee Relations and Debt Counseling).

System manager(s) and address:

Director of Personnel, Federal Trade Commission, Washington, D.C. 20580.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual to whom the records pertain, supervisor, program manager, counselor.

FTC-22

System name:

Disciplinary Action Investigatory Files—FTC.

System location:

Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Categories of individuals covered by the system:

FTC personnel, counsel for parties under investigatory or adjudicatory proceedings, and others participating in FTC matters subject to investigation for possible improper or unethical conduct.

Categories of records in the system:

Name, address, current employment status, subject matter of investigation.

Authority for maintenance of the system:

Federal Trade Commission Act; Executive Order No. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Determination of whether disciplinary action, including suspension or disbarment from practice before Commission, is warranted; could include transfer of information to Office of Personnel Management, to a court, or a bar association. Used by agency personnel assigned to investigate and handle matter and by personnel of other agencies, court, or bar association to whom matter is referred.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in standard letter-size file cabinets, in Record Center Storage Containers, on microfilm or microfiche.

Retrievability:

Indexed by individual name, company name, industry investigation title, file or docket number.

Safeguards:

Unlocked file cabinets with normal building security, record center storage and security. Access restricted to National Archives; remainder destroyed by shredding or burning. Docket records retained five years and then transferred to National Archives.

System manager(s) and address:

Supervisor, Records Management Branch, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Notification procedure:

Records in this system are generally exempt from mandatory disclosure under 5 U.S.C. 552a(k)(2). However, some individual records may be disclosable, and access to them may be requested by mailing or delivering a written request bearing the individual's name, return

address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual on whom the record is maintained, complainants, informants, witnesses, and Commission personnel having knowledge or providing analysis of matter.

Systems exempted from certain provisions of the act:

Pursuant to 5 U.S.C. 552a(k)(2), records in this system generally are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of 5 U.S.C. 552a. See section 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

FTC-23

System name:

Financial Management System--FTC.

System location:

Division of Budget and Finance, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Categories of individuals covered by the system:

FTC personnel who travel or otherwise might be involved in reimbursement of expenses situations.

Categories of records in the system:

Contains names and employee number or social security number of person involved in travel or otherwise reimbursed for expenses conducted in performances of official duties of FTC. Information relating to travel expenses.

Authority for maintenance of the system:

5 U.S.C. Chapter 57.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Identification and retrieval for use in financial reports of FTC. Recording information relating to expenses incurred by FTC personnel in performance of official duties.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer hardcopy listing; computerized tape vendor file.

Retrievability:

Indexed by name and employee number.

Safeguards:

Records are maintained in division files and computer file; access limited to Budget and Finance personnel.

Retention and disposal:

Retained per GSA Archives schedule of retention and disposal.

System manager(s) and address:

Director, Division of Budget and Finance (Same address as System Location).

Notification procedure:

Records in this system are generally exempt from mandatory disclosure under 5 U.S.C. 552a(k)(2). However, some individual records may be disclosable, and access to them may be requested by mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual on whom the record is maintained, complainants, informants, witnesses, and Commission personnel having knowledge or providing analysis of matter.

Record source categories:

Pursuant to 5 U.S.C. 552a(k)(2), records in this system generally are exempt from the requirements of subsections (c)(3), (d), (e)(1), (3)(4) (G), (H), and (I), and (f) of 5 U.S.C. 552a. See section 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

FTC-24

System name:

Financial Statements of Commissioners-Elect-FTC.

System location:

Office of General Counsel, Rm. 568, Federal Trade Commission, Washington, D.C. 20580.

Categories of individuals covered by the system:

FTC Commissioners-elect.

Categories of records in the system:

Financial statements of Commissioners-elect: Lists of personal property, stocks, bonds, indebtedness, etc.

Authority for maintenance of the system:

Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Reviewed for adequacy of disclosure and potential conflict of interest purposes when a new Commissioner-elect requests assistance with his/her financial statements. Used by the General Counsel and his staff.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in legal-size accordion folders.

Retrievability:

Indexed by name.

Safeguards:

Maintained in a metal locked cabinet in GC's secretary's office. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal:

Held since 1970. Retention indefinite.

System manager(s) and address:

General Counsel, Federal Trade Commission, Washington, D.C. 20580.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual on whom the record is maintained.

FTC-25

System name:

General Correspondence Records--FTC.

System location:

Office of the Secretary, Correspondence Branch, Federal Trade Commission, Room 701, 6th and Pennsylvania Avenue NW, Washington, D.C. 20580.

Categories of individuals covered by the system:

Consumers; individuals; public officials; company and corporation officers; attorneys; members of consumer groups, student groups, and committees.

Categories of records in the system:

Letters of complaint, inquiry, comment, petitions, and/or communications concerning FTC actions and activities.

Authority for maintenance of the system:

Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To respond to previous correspondence. To determine whether any law enforcement action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred, when considered appropriate.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Legal-size standard file cabinets.

Retrievability:

Indexed by correspondent's name on computer printout.

Safeguards:

Unlocked file cabinets. Office security: Blue seal locked doors. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal:

Copies of correspondence and correspondent index are retained for 1 year from date of receipt by Correspondence Branch.

System manager(s) and address:

Supervisor, Correspondence Branch, Office of the Secretary, Federal Trade Commission, Washington, D.C. 20580.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual on whom record is maintained.

FTC-26

System name:

Applicant Files and General Personnel Records (Official Personnel Folder and Records Related Thereto): Duplicate Personnel Files and Automated Records-FTC.

System location:

Automated Records:
Division of Personnel
Federal Trade Commission
Washington, D.C. 20580
Comnet, Inc.
5185 MacArthur Blvd.
Washington, D.C. 20016
Duplicate Records:
Federal Trade Commission
6th Street & Pennsylvania Avenue, NW
Washington, D.C. 20580
Atlanta Regional Office
1718 Peachtree Street, NW, Room 1000
Atlanta, Georgia 30309
Boston Regional Office
150 Causeway Street
Boston, Massachusetts 02114
Chicago Regional Office
55 East Monroe Street
Chicago, Illinois 60603
Cleveland Regional Office
Suite 500, Mall Building
118 Saint Clair Avenue
Cleveland, Ohio 44114
Dallas Regional Office
2001 Bryan Street, Suite 2665
Dallas, Texas 75201

Denver Regional Office
1405 Curtis Street
Suite 2900
Denver, Colorado 80202
Los Angeles Regional Office
13209 Federal Building
11000 Wilshire Boulevard
Los Angeles, California 90024
New York Regional Office
2243-EB Federal Building
26 Federal Plaza
New York, New York 10007
San Francisco Regional Office
450 Golden Gate Avenue
San Francisco, California 94102
Seattle Regional Office
28th Floor, Federal Building
915 Second Avenue
Seattle, Washington 98174

Categories of individuals covered by the system:

Current Federal Trade Commission employees and applicants for vacancies.

Categories of records in the system:

This system consists of a variety of records relating to personnel action determinations made about applicants or individual while employed in the federal service. These records contain information about an individual relating to birth date; social security number; veteran's preference; tenure; handicap; past and present job salaries; grades and position titles; position control information; letters of commendation, reprimand, charges, and decision on charges; notice of reduction-in-force; locator files; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer, and separation; training; minority group designator; records relating to life insurance, health benefits, and designation of beneficiary; performance rating; data documenting the reasons for personnel actions or decisions made about an individual; awards; and other information relating to the status of the individual.

Authority for maintenance of the system:

Title 5 U.S.C. 1302, 2951, 4118, 4305, 4506, and Executive Order 10561.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information or a record may be used:

a. By agency officials for purposes of review in connection with appointments, transfers, promotions, reassignments, adverse actions, disciplinary actions, and determination of qualification of an individual.

b. By the Office of Personnel Management for purposes of making a decision when a federal employee or former federal employee is questioning the validity of a specific document in an individual's record.

c. By the district courts to render a decision when an agency has refused to release to current or former federal employees a record under the Freedom of Information Act.

d. To provide information to a prospective employer of a government employee or former federal employee at the individual's request.

e. To provide data for the automated Center Personnel Data File.

f. To provide data on adverse actions, terminations, and for Security Investigation Index on New Hires.

g. To provide statistical reports to Congress, agencies, and the public on characteristics of the federal work force.

h. To provide information or disclose to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

i. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information such as licenses, if necessary to obtain relevant information or other pertinent information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance the letting of a contract, or the issuance of a license, grant, or other benefit.

j. To refer, where there is an indication of a violation or potential violation of the law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether federal, state or local, charged with the responsibility of investigating or prosecuting such violation

or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

k. As a data source for management information for promotion of summary descriptive statistic and analytical studies in support of the related personnel management functions of human resource studies; may also be utilized to locate specific individuals for personnel research or other personnel management functions.

l. Disclosed to health insurance carriers or plans participating in Federal Employee's Health Benefits Program in support of a claim for health insurance benefits.

m. Disclosed to the Department of Labor; Veterans Administration; Department of Defense; Federal agencies which may have special civilian employee retirement programs; national, state, county, municipal, or other publicly recognized charitable or Social Security Administration agency to adjudicate a claim for benefits under OPM's Bureau of Retirement, Insurance, and Occupational Health or the recipient's benefit program(s), or to conduct an analytical study of benefits being paid under such program.

n. Disclosed to educational institutions for training purposes.

o. Disclosed to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.

p. Disclosed to officials of foreign governments for clearance before employee is assigned to that country.

q. Disclosed to Federal Employee's Group Life Insurance Program in support of an individual's claim for life insurance.

r. Disclosed to labor organizations in response to requests for names of employees and identifying information.

s. Disclosed to officials of labor organizations recognized under Executive Orders 11636 and 11491, as amended, when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices and matters affecting working conditions.

t. Disclosed in response to a request for discovery or for appearance of a witness, if relevant to the subject matter involved in a pending judicial or administrative proceeding.

u. Disclosed for any routine use noted in the Office of Personnel Management Act Notice for this system of records. See 44 FR 30882 (1979).

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in file folders, magnetic tapes, and punched cards.

Retrievability:

Records are indexed by any combination of name, birth date, social security number, or identification number.

Safeguards:

Duplicate files—Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access. Automated files—Restricted password to access data.

Retention and disposal:

Duplicate files—The Official Personnel Folder (OPF) is retained indefinitely. The OPF is sent to the National Personnel Records Center within 30 days of the date of the employee's separation from the Federal service. Some records such as letters of reprimand, indebtedness, and vouchers are maintained for 2 years or destroyed when an individual resigns, transfers, or is separated from the federal service. Automated files—Files of individuals are erased after they leave the FTC; only statistical turnover information is retained.

System manager(s) and address:

Duplicate file—Regional Director, Regional Office (see name and address of regional office listed in location above). Automated records—Director of Personnel, Division of Personnel, Federal Trade Commission, Washington, D.C. 20580.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Information in this system of records comes either from the individual to whom it applies or is derived from information he/she supplied, except information provided by agency officials.

FTC-27

System name:

Assignment Control System. Bureau of Consumer Protection—FTC.

System location:

Federal Trade Commission, Bureau of Consumer Protection, 6th Street and Pennsylvania Ave., NW, Washington, D.C. 20580.

Categories of individuals covered by the system:

Professional staff of the Bureau of Consumer Protection.

Categories of records in the system:

Control number, subject and status, staff attorney, Office of the Director liaison, staff deadline, Office of the Director liaison deadline, Office of the Director deadline, and completion date.

Authority for maintenance of the system:

Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by the Bureau Director, Deputy Directors, Regional Directors, Assistant Directors, and Assistants to the Director for management purposes and recording and tracking all internal assignments.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Stored in the computer—Four Phase System.

Retrievability:

By attorney name, control number, and organization code.

Safeguards:

Distribution of reports restricted to agency personnel whose responsibilities require access.

Retention and disposal:

Retained indefinitely.

System manager(s) and address:

Records Division, Bureau of Consumer Protection, Room 485, Federal Trade Commission, 6th & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Assignments under the responsibility of the Bureau of Consumer Protection, and information and instructions from the staff.

FTC-28

System name:

Investigational, Legal, and Public Records—FTC.

System location:

Records Division, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580 (Record Center, Suitland, Maryland).

Categories of individuals covered by the system:

Respondents, proposed respondents, and others in Commission investigations and law enforcement proceedings; parties requesting formal advisory opinions.

Categories of records in the system:

Name and some or all of the following: Address; company affiliation; age; date of birth; place of birth; employment; financial, credit, and personal history background in the records contained in this system. This system is composed of the following files: Formal inves-

tigation files; docketed and consent matters; assurances of voluntary compliance; and advisory opinions; but is limited to those files from which personal information is retrieved by the name of an individual or other identifying particular assigned to the individual.

Authority for maintenance of the system:

Federal Trade Commission Act and Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

For use by Commission staff in investigative and adjudicative proceedings, enforcement actions, penalty proceedings, enforcement of compliance orders, issuance of complaints, negotiation of consent orders, issuance of cease and desist orders, and advisory opinions. Referral to Federal, State, or local government authorities for investigation and possible criminal prosecution, civil action or regulatory order. Used by Commission staff assigned to, reviewing, or supervising matter; used by Commission personnel with recordkeeping, managerial, and budgeting responsibilities; used by personnel of other agencies to whom a matter is referred.

Referral to experts, when considered appropriate by Commission staff.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained on standard legal- and letter-size paper; mag-card tapes; microfilm; and microfiche.

Retrievability:

Indexed by respondent's or correspondent's name; company name; industry investigation title; FTC internal 7-digit or 4-digit investigation number; or complaint assigned number.

Safeguards:

Metal legal- and letter-size file cabinets; official records center containers. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal:

Retained at FTC office for 5 years, after which transferred to National Archives and Federal Records Center, Suitland, Maryland. Investigatory files, except history portions, destroyed after 5 years.

System manager(s) and address:

Supervisor, Records Management Branch, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Notification procedure:

Public records contained in this system are available upon request, as indicated below. Otherwise, records in this system generally do not contain personal information about individuals and are generally exempt from mandatory disclosure under 5 U.S.C. 552a(k)(2). However, some personal information relating to individuals may be included and, if retrievable, may be disclosable. Access to such information may be requested by mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580. In order for personal information in this system to be retrieved, A request must specify the name of the party subject to the investigation or adjudicatory proceeding.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual respondents or proposed respondents, company records, complainants, informants, witnesses or other third parties.

Systems exempted from certain provisions of the act:

Pursuant to 5 U.S.C. 552a(k)(2), records in this system generally are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(3), (e)(4) (G), (H), (I), and (f) of 5 U.S.C. 552a. See section 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

FTC-29

System deleted.

FTC-30

System name:

Consultant Files, Bureau of Competition—FTC.

System location:

Federal Trade Commission, Bureau of Competition, Washington, D.C. 20580.

Categories of individuals covered by the system:

Consultants consisting of experts in various fields, including economic and legal.

Categories of records in the system:

Contains name, curriculum vitae, resume of employment, lists and copies of publications in field, copies of application forms submitted to FTC.

Authority for maintenance of the system:

Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

For identification of background, previous publications, and current research work.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Letter- and/or legal-size files in regulation cabinet.

Retrievability:

Indexed by name.

Safeguards:

Secured as are other files by locking of office door at night. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal:

Maintained indefinitely for future reference.

System manager(s) and address:

Administrative Officer, Bureau of Competition, Room 544, Pennsylvania Bldg., 425 13th Street, NW, Washington, D.C. 20580.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual on whom record is maintained.

FTC-31

System name:

Payroll Processing System—FTC.

System location:

Division of Budget and Finance, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Categories of individuals covered by the system:

All FTC personnel.

Categories of records in the system:

All payroll information on individual FTC employees, including basic employment information, pay and deduction information, and leave and tax information.

Authority for maintenance of the system:

5 U.S.C. 1301; Federal Personnel Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Salary and wage processing in accordance with applicable laws and regulations. Used by Division of Budget and Finance personnel and by other agency personnel whose responsibilities include salary and wage processing and evaluation.

Referral of unemployment compensation information to state and local unemployment compensation boards.

Referral of information to the Office of Personnel Management (OPM) concerning pay, benefits, retirement deductions, and other

information necessary for OPM to carry out its governmentwide personnel management functions.

Disclosure may be made to a congressional office from the record of an individual only when congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in comprehensive computer listing and tape and payroll file folders at the system location in Washington, D.C., and on computer tape at the Treasury Department in San Francisco.

Retrievability:

By Social Security number.

Safeguards:

Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal:

Maintained according to GSA/Archives schedule of retention and disposal.

System manager(s) and address:

Director, Division of Budget and Finance (address same as System Location).

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Pay forms completed by individual on whom the records are maintained; personnel system.

FTC-32

System name:

Payroll-Retirement Records—FTC.

System location:

Division of Budget and Finance, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580

Categories of individuals covered by the system:

All FTC personnel who qualify for federal retirement benefits.

Categories of records in the system:

Payroll information relating to retirement benefits.

Authority for maintenance of the system:

5 U.S.C. 5301, 5501, 6101, 6301, 8301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Calculation of retirement benefits. Referred to Office of Personnel Management (OPM) upon retirement or resignation from federal service.

Referral to OPM concerning pay, benefits, retirement deductions, and other information, for OPM to carry out its government personnel management functions.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained on computer tape at the Treasury Department in San Francisco, or on individual cards for those not included in the regular payroll system.

Retrievability:

Indexed by employee Social Security number.

Safeguards:

Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal:

Held for length of service of employee while at FTC, information forwarded to next employing agency or OPM.

System manager(s) and address:

Director, Division of Budget and Finance, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Payroll system; personnel system.

FTC-33

System name:

Preliminary Investigatory Files—FTC.

System location:

Federal Trade Commission, 6th and Pennsylvania Avenue NW, Washington, D.C. 20580.

Indiana Building, 633 Indiana Avenue NW, Washington, D.C. 20580.

Star Building, 101 Pennsylvania Avenue NW, Washington, D.C. 20580.

Gelman Building, 2120 L Street NW, Washington, D.C. 20580. Pennsylvania Building, 425 13th Street NW, Washington, D.C. 20580.

Logan Building, 1111 18th Street NW, Washington, D.C. 20580. Bicentennial Building, 600 E Street NW, Washington, D.C. 20580. Atlanta Regional Office, 1718 Peachtree Street NW, Atlanta, Georgia 30309.

Boston Regional Office, 150 Causeway Street, Boston, Massachusetts 02114.

Chicago Regional Office, 55 East Monroe Street, Chicago, Illinois 60603.

Cleveland Regional Office, Suite 500, Mall Building, 118 Saint Clair Avenue, Cleveland, Ohio 44114.

Dallas Regional Office, 2001 Bryan Street, Suite 2665, Dallas, Texas 75201.

Denver Regional Office, 1405 Curtis Street, Suite 2900, Denver, Colorado 80202.

Los Angeles Regional Office, 13209 Federal Building, 11000 Wilshire Boulevard, Los Angeles, California 90024.

New York Regional Office, 2243-EB Federal Building, 26 Federal Plaza, New York, New York 10007.

San Francisco Regional Office, 450 Golden Gate Ave., San Francisco, California 94102.

Seattle Regional Office, 28th Floor, Federal Building, 915 Second Avenue, Seattle, Washington 98174.

Categories of individuals covered by the system:

Respondents and correspondents in preliminary investigations.

Categories of records in the system:

Information on individuals generally concerns relations or transactions with, or knowledge about, respondents, or general business and isolated personal information on individual respondents, and other items of information relating to the individual's involvement in the matter in question. This system is composed of files of preliminary investigations (investigations which have not yet become formal and assigned a 7-digit number), but is limited to those files from which personal information is retrieved by the name of an individual or other identifying particular assigned to the individual.

Authority for maintenance of the system:

Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To determine whether a formal investigation or other action is appropriate. Referral to federal, state, or local government authorities for investigation and possible criminal prosecution, civil action, or regulatory order. Used by Commission staff assigned to reviewing or supervising matter; used by Commission personnel with recordkeeping, managerial, and budgeting responsibilities; used by personnel of other agencies to whom a matter is referred.

Referral to experts, when considered appropriate by Commission.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records maintained in file folders and on magnetic disc and tape.

Retrievability:

Indexed by name of respondent or correspondent.

Safeguards:

Access to use of these records is limited to those agency personnel whose official duties require such access.

Retention and disposal:

Records are transferred to the Records Division if the preliminary investigation becomes a formal investigation; otherwise records are retained by office that conducted the preliminary investigation. No disposal system at present. As of August 1978, the Commission discontinued the utilization of preliminary investigations. See FTC Operating Manual, Chapter 3.

System manager(s) and address:

Supervisor, Records Management Branch, Office of the Secretary; or the Regional Director of the respective Regional Office.

Notification procedure:

Records in this system generally do not contain personal information about individuals and are generally exempt from mandatory disclosure under 5 U.S.C. 552a(k)(2). However, some personal information relating to individuals may be included and, if retrievable, may be disclosable. Access to such information may be requested by mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580. In order for personal information in this system to be retrieved, a request must specify the name of the party subject to the investigation or adjudicatory proceeding. The request should also specify the bureau (and division, if possible) or Regional Office responsible for the investigation.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual respondent or proposed respondent, company records, complainants, informants, witnesses or other third parties.

Systems exempted from certain provisions of the act:

Pursuant to 5 U.S.C. 552a(k)(2), records in this system generally are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), (I), and (f) of 5 U.S.C. 552a. See section 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

FTC-34

System name:

Public Contact Report System, Atlanta Regional Office—FTC.

System location:

Atlanta Regional Office, Room 1000, 1718 Peachtree Street NW, Atlanta, Georgia 30309.

Categories of individuals covered by the system:

Individual members of the public who file complaints or request information either by telephone or in person concerning matters believed to be of interest or within the jurisdiction of the FTC.

Categories of records in the system:

Consist of completed form listing the name of the individual, name of the company about which the individual inquiries or complaints, and the matter complained of.

Authority for maintenance of the system:

Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Filed for future reference as to possible witnesses if company complained of should come under investigation by the FTC. Also may be used for reference to another office of the FTC or other federal agencies for law enforcement purposes when deemed appropriate. Used by Atlanta Regional Office personnel and by personnel of other FTC units or other agencies to whom a matter is referred.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Public contact forms maintained in letter-size file folders.

Retrievability:

Contact form filed alphabetically by name.

Safeguards:

Contact forms in standard file cabinet. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal:

Retained for a minimum of one year and disposed of by delivery to and placing in a local government incinerator.

System manager(s) and address:

Regional Director, Federal Trade Commission, Atlanta Regional Office, 1718 Peachtree Street NW, Room 1000, Atlanta, Georgia 30309.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Information obtained from the individual.

FTC-35

System name:

Public Information Mailing List—FTC.

System location:

Comnet, Inc., 5185 MacArthur Blvd., Washington, D.C. 20016.

Categories of individuals covered by the system:

Individuals, businesses, and organizations which have indicated an interest in receiving FTC materials; selected news media and special interest groups (i.e., organizations to be reached on specific FTC matters).

Categories of records in the system:

Contains some or all of the following: Name, title, company or organization, mailing address, occupation, and capacity/interest codes.

Authority for maintenance of the system:

Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Producing address labels for mailing FTC materials by Office of Public Affairs and other Commission personnel.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer disc storage.

Retrievability:

Labels for individual addresses can be retrieved by name or computer-assigned identification number.

Safeguards:

Retrieval of records is restricted to Office of Public Affairs and computer support personnel who have knowledge of computer password.

Retention and disposal:

Records are retained until a purge action occurs or a request to delete is received. A purge action occurs when an affirmative response to a purge inquiry is not received, and each list entry receives a purge inquiry annually. News media and special interest addresses

are retained indefinitely or for a specified length of time unless removal from the list is requested by the individual.

System manager(s) and address:

Director, Office of Public Affairs, Room 496, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW, Washington, D.C. 20580.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual who wishes to receive FTC material and FTC staff referring mailing list requests.

FTC-36

System name:

Public Information Mailing Lists, Boston Regional Office—FTC.

System location:

Boston Regional Office, Suite 1301, 150 Causeway Street, Boston, Mass. 02114.

Categories of individuals covered by the system:

News media personnel, heads of consumer organizations, Attorneys General and key staff, heads of business organizations, selected key individuals such as legislators, government leaders, professors, etc., concerned with consumerism.

Categories of records in the system:

Contains name, title, organization and address.

Authority for maintenance of the system:

Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information is used by staff for purposes of mailing or distributing press releases and other information materials.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained on a typed listing which is periodically updated.

Retrievability:

Indexed by name and organization.

System manager(s) and address:

Public Information Officer, Boston Regional Office, 150 Causeway St., Suite 1301, Boston, Mass. 02114.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Boston Regional Office staff, the media, consumer organizations, materials and information supplied by the public, directories, and government officials.

FTC-37

System name:

Individual Claims Submitted Pursuant to Consent Agreement in "Bachman v. Pertschuk", CA No. 76-0079 (D.D.C. 1978).

System location:

Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW, Room 164, Washington, D.C. 20580.

Categories of individuals covered by the system:

Current and former FTC economists, accountants, attorneys, computer specialists, research analysts, and consumer protection specialists and applicants for those positions who file individual claims of discrimination pursuant to the consent agreement in "Bachman v. Pertschuk".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Will be used by Administrator of Bachman agreement, his assistants, and the magistrate of U.S. District Court of District for Columbia in deciding claims presented.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

In cabinet in locked office; held by attorney-advisor to Administrator of agreement.

Retrievability:

By name of claimant.

Safeguards:

Availability only to authorized individuals conducting inquiry into claims.

Retention and disposal:

No disposal system at present.

System manager(s) and address:

Benjamin I. Berman, Office of the Secretary, Room 164, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW, Washington, D.C. 20580.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Claimants' submissions, FTC personnel records.

FTC-38

System deleted.

FTC-39

System name:

Staff Advisory Opinion Records—FTC.

System location:

Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW, Washington, D.C. 20580.

Categories of individuals covered by the system:

Applicants for advisory opinions under section 1.1 of the Commission's Rules of Practice, 16 CFR 1.1.

Categories of records in the system:

Name and address of requester; business information; proposed courses of business action.

Authority for maintenance of the system:

Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by staff and members of the public. To provide staff advice responsive to a request from a member of the public; to maintain record of advice given for use of the staff for preparation of future Commission opinions and to coordinate and assure consistency of position; possible referral to other parts of the FTC or to appropriate federal or state agencies for advice or where law enforcement action may be warranted; used by FTC personnel and other agencies to whom a matter is referred.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Stored in binders in Public Reference Room. Available to the public.

Retrievability:

Generally indexed by name of requesting party.

Safeguards:

Maintained in lockable office.

Retention and disposal:

Maintained from June 1962; no present disposal program.

System manager(s) and address:

Supervisor, Public Reference Branch, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW, Washington, D.C. 20580.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual proprietorship, corporation, or other business organization, or counsel seeking or receiving a staff advisory opinion.

FTC-40

System name:

Statement of Employment and Financial Interests—FTC.

System location:

Assistant General Counsel, Office of the General Counsel, Federal Trade Commission, 6th & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Categories of individuals covered by the system:

Personnel required by FTC regulations to file statements of employment and financial interests.

Categories of records in the system:

Contains name, organization, statement of employment and financial interests.

Authority for maintenance of the system:

Executive Order 11222 and 5 CFR Part 735.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Review of statement of employment and financial interests to ascertain whether a conflict of interest or apparent conflict of interest exists and, if so, to insure that appropriate action is taken to remove conflict. Used by senior Commission employees and members of the General Counsel's Office.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained on 8½x 11 paper.

Retrievability:

Indexed by calendar year and organization.

Safeguards:

Records are maintained in a combination steel vault. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal:

Records are maintained indefinitely.

System manager(s) and address:

Assistant General Counsel, Room 506, Federal Trade Commission, Washington, D.C. 20580.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual on whom the record is maintained.

FTC-41

System name:

Unofficial Personnel Records—FTC.

System location:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Indiana Building, 633 Indiana Avenue, NW, Washington, D.C. 20580.

Bicentennial Building, 600 E Street, NW, Washington, D.C. 20580.

Star Building, 1101 Pennsylvania Avenue, NW, Washington, D.C. 20580.

Gelman Building, 2120 L Street, NW, Washington, D.C. 20580. Pennsylvania Building, 425 13th Street, NW, Washington, D.C. 20580.

Logan Building, 1111 18th Street, NW, Washington, D.C. 20580.

Regional Offices:

Atlanta Regional Office, 1718 Peachtree Street, NW, Atlanta, Georgia 30309.

Boston Regional Office, 150 Causeway Street, Boston, Massachusetts 02114.

Chicago Regional Office, 55 East Monroe Street, Chicago, Illinois 60603.

Cleveland Regional Office, Suite 500, Mall Building, 118 Saint Clair Avenue, Cleveland, Ohio 44114.

Dallas Regional Office, 2001 Bryan Tower, Suite 2665, Dallas, Texas 75201.

Denver Regional Office, Suite 2900, 1405 Curtis Street, Denver, Colorado 80202.

Los Angeles Regional Office, 13209 Federal Building, 11000 Wilshire Boulevard, Los Angeles, California 90024.

New York Regional Office, 2243-EB Federal Building, 26 Federal Plaza New York, New York 10007.

San Francisco Regional Office, 450 Golden Gate Avenue, San Francisco, California 94102.

Seattle Regional Office, 28th Floor Federal Building, 915 Second Avenue, Seattle, Washington 98174.

Categories of individuals covered by the system:

Current and former employees of the FTC.

Categories of records in the system:

The system of records contains information or documents about the employment and work history of individual employees. The types of records maintained vary with each supervisor and Commission unit. Each supervisor may maintain some or all of the following records: Written notes or memoranda on employee performance (i.e., Attorney Evaluation, Employment Forms), leave, work assignments, or disciplinary problems.

Authority for maintenance of the system:

Title 5 U.S.C. 4301-4308; 6101-6106; 6301-6326; 7301-7352; and 7501-7533.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To be used by the employee's supervisor in evaluating performance, preparing promotion and award recommendations, preparing informal or formal disciplinary actions, approving leave, and making work assignments.

Referral to the Office of Personnel Management concerning pay, benefits, retirement deductions, and other information necessary for OPM to carry out its governmentwide personnel management functions.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are maintained in file folders.

Retrievability:

These records are indexed by the names of individuals on whom they are maintained.

Safeguards:

Access to and use of these records is limited to those whose official duties require such access. Screening by system managers is used to prevent unauthorized disclosure.

Retention and disposal:

Records are destroyed when no longer relevant to the purpose for which they were compiled and maintained. Generally, records are destroyed when the employee no longer works in the bureau or office which compiled and maintained the information.

System manager(s) and address:

Employee's supervisors, Federal Trade Commission (same address as system location).

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individuals to whom record pertains: supervisors of employee.

FTC-42

System deleted.

FTC-43

System deleted.

FTC-44

System deleted.

FTC-45

System name:

Automated Serials Routing System—FTC.

System location:

Library, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Categories of individuals covered by the system:

Readers of FTC Library periodicals wishing to be on the routing system.

Categories of records in the system:

Name and location of reader, employee number, and the name and number of periodical.

Authority for maintenance of the system:

Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To manage serials-routing among readers. Used by staff of FTC Library and other FTC employees with a need to use this system. Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

On computer disc/tape.

Retrievability:

By periodical number and employee number.

Safeguards:

Access limited to authorized users by means of password.

Retention and disposal:

Record maintained as long as reader wishes to be on the routing system.

System manager(s) and address:

Librarian, Federal Trade Commission (address same as system location).

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual on whom the record is maintained.

FTC-46

System name:

Clearance to Participate Applications and the Commission's Responses Thereto—FTC.

System location:

Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Categories of individuals covered by the system:

Copies of letters from former members or employees of the Commission requesting authorization to appear or participate in a proceeding or investigation, formal or informal, which was pending in any manner in the Commission while such former member of employee served with the Commission.

Categories of records in the system:

Name, address, current employment status, nature of any connection with the proceeding or investigation during service with the Commission.

Authority for maintenance of the system:

Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by the public. Used also by the Commission's Correspondence Branch staff to track the processing of clearance requests by the Commission. Other Commission staff use the records to make recommendations and determinations on new applications for clearance.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Stored in binders and on microfilm in the Public Reference Room.

Retrievability:

Indexed by name of the applicant, by the name of the investigation or proceeding, and by date.

Safeguards:

Maintained in a lockable office.

Retention and disposal:

Maintained from January 1969; no present disposal schedule.

System manager(s) and address:

Supervisor, Public Reference Branch, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual on whom the record is maintained.

FTC-47

System deleted.

FTC-48

System deleted.

FTC-49

System name:

Freedom of Information Act Requests and Appeals from Other Than Governmental Agencies and the Commission's Responses Thereto—FTC.

System location:

Records Division, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Information Division, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Office of the General Counsel, Room 560, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Automated Records:

Comnet, Inc., 5185 MacArthur Blvd., Washington, D.C. 20016.

Categories of individuals covered by the system:

Persons filing requests for access to information under the Freedom of Information Act (FOIA).

Categories of records in the system:

Name, address, sometimes purpose of request, and intended use of information, and agreement to pay fees, if any.

Authority for maintenance of the system:

Federal Trade Commission Act; Freedom of Information Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by staff of the Executive Director's Office, General Counsel's Office, and Bureaus of the Commission to make recommendations and determinations in response to FOIA requests and appeals. Referral to the Office of Management and Budget and to the Congress for annual reports required by the FOIA. Referral to federal enforcement authorities to assist with administrative processing and litigation.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Request and appeal letters, and agency responses thereto, are available to the public for inspection and copying.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

(1) Copies of request and appeal letters, and agency responses thereto, are stored in binders in the Public Reference Room (available to the public). (2) Original request letters, copies of appeal letters (if any) and agency responses, and related internal memoranda, are stored in folders in lockable file cabinets in the Freedom of Information and Privacy Act Branches of the Information Division. (3) Original appeal letters, copies of request letters and agency responses, and related internal memoranda are stored in folders in lockable file cabinets in the General Counsel's Office. Automated data stored on magnetic disc.

Retrievability:

Generally indexed by name of requesting party.

Safeguards:

Maintained in lockable file cabinets in office.

Retention and disposal:

Full grant response letters and files are destroyed after 2 years. Denials and appeal files are destroyed 4 years after final determination by agency or 3 years after final adjudication by courts, whichever is later.

System manager(s) and address:

Supervisor, FOIA/PA Branch, Office of the Executive Director, and Assistant to the General Counsel for FOIA/PA, Federal Trade Commission (address same as System Location above).

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual on whom the record is maintained.

FTC-50

System deleted.

FTC-51

System name:

Privacy Act Requests and Appeals—FTC.

System location:

Information Division, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Office of the General Counsel, Room 559, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Categories of individuals covered by the system:

Persons filing requests for access to, correction of, or an accounting of disclosures of personal information contained in system of records maintained by the Commission, pursuant to the Privacy Act of 1974.

Categories of records in the system:

Name, address; sometimes purpose of request; intended use of information; agreement to pay fees, if any; and nature of correction of information requested.

Authority for maintenance of the system:

Federal Trade Commission Act; Privacy Act of 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by staff of the Executive Director's Office, General Counsel's Office, and Commissioners, to make recommendations and determinations in response to Privacy Act requests and appeals. Referral to the Office of Management and Budget and to the Congress for annual reports required by the Privacy Act. Referral to federal enforcement authorities to assist with administrative processing and litigation.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Initial requests stored in lockable files in Secretary's Office. Appeals stored in lockable files in General Counsel's Office.

Retrievability:

Indexed by request index number, date of request, and name of requester or appellant.

Safeguards:

Maintained in lockable offices. Access restricted to those agency personnel whose responsibilities require access.

Retention and disposal:

Full grant correspondence and files are destroyed after 2 years. Denials and appeal files are destroyed 4 years after final determination by agency or 3 years after final adjudication by courts, whichever is later.

System manager(s) and address:

Supervisor, FOIA/PA Branch, Office of the Executive Director, and Assistant General Counsel for Legal Counsel, Federal Trade Commission (address same as System Location above).

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual on whom record is maintained.

FTC-52

System name:

Equal Employment Opportunity Statistical Reporting System—FTC.

System location:

Optimum Systems, Inc., 5615 Fishers Lane, Rockville, Maryland 20852.

Categories of individuals covered by the system:

Former and current FTC employees.

Categories of records in the system:

Coded minority group designations.

Authority for maintenance of the system:

5 U.S.C. 1301, 3301, 7151, 7154, and Executive Order 10577.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by the Equal Employment Opportunity Director in composite statistical form only, for analyses and reports within the Commission and to the Congress, Office of Management and Budget, Equal Employment Opportunity Commission, and Office of Personnel Management as required by law.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Stored on magnetic disc.

Retrievability:

Minority group designations may be retrieved by name of group, or by cross-reference to title and grade information contained in FTC System 26, General Personnel Records (Official Personnel Folder and Records Related Thereto); Duplicated Personnel Files and Automated Records.

Safeguards:

Access may be obtained only by written authorization of the Equal Employment Opportunity Director.

Retention and disposal:

Records are retained indefinitely.

System manager(s) and address:

Director, Equal Employment Opportunity, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Self-identification or visual identification of each employee by Division of Personnel staff and administrative officer in regional office.

FTC-53

System name:

Medical Participation in Control of Certain Open-Panel Medical Prepayment Plans Mailing List.

System location:

Comnet, Inc., 5185 MacArthur Blvd., Washington, D.C. 20016.

Categories of individuals covered by the system:

Individuals formally requesting information from the staff regarding the Commission's now-closed investigation of Medical Participation in Control of Blue Shield and Certain Other Open-Panel Medical Prepayment Plans, and individuals from whom comments on advance notice of proposed rulemaking were sought.

Categories of records in the system:

Name; mailing address; business title, if any; type of comment or requests received, if any.

Authority for maintenance of the system:

Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to mail staff report and materials related to the Commission's actions in this matter to interested individuals, and for tracking requests and comments received from such individuals.

If any individual requests that his congressman obtain access to a record concerning that individual, disclosure may be made to the congressional office requesting such information.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic disc packs.

Retrievability:

By name and type of comment or request.

Safeguards:

Access restricted to personnel whose responsibilities require access.

Retention and disposal:

Insofar as individuals request that their names be deleted from the mailing list, records may be retained in the Comnet computer for the duration of related investigations. Disposal will be made upon demand, at the close of related investigations, or prior to the close of those investigations if no longer deemed necessary.

System manager(s) and address:

Assistant Director, Bureau of Competition, Room 1038, Pennsylvania Building, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual on whom the record is maintained.

FTC-54

System name:

Discrimination Complaint System—FTC.

System location:

Director, Office of Equal Employment Opportunity, Room 411, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Categories of individuals covered by the system:

Former and current FTC employees and applicants for employment.

Categories of records in the system:

Complaint file.

Authority for maintenance of the system:

Section 717 of Title VII of the Civil Rights Act of 1964, as amended, and 29 CFR Part 1613.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to resolve issues related to discrimination because of race, national origin, religion, sex, age, and physical or mental handicap presented in formal complaints and used to make reports to Office of Management and Budget, Merits Systems Protection Board, and Equal Employment Opportunity Commission.

Disclosure of information from discrimination complaint files is limited to the complainant, his/her representatives, agency representatives involved in the processing, and the EEO staff.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Stored in lockable file cabinets.

Retrievability:

Generally indexed by name of the complainants.

Safeguards:

Access restricted to Commission's EEO staff and parties concerned in any related proceeding.

Retention and disposal:

Records are retained indefinitely.

System manager(s) and address:

Director, Equal Employment Opportunity, Room 411, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual on whom the record is maintained.

FTC-55**System name:**

Consumer Education Mailing List--FTC.

System location:

Bureau of Consumer Protection, Federal Trade Commission,
Room 668, 600 E. Street, NW, Washington, D.C. 20580.
Comnet, Inc., 5182 MacArthur Boulevard, Washington, D.C.
20016

Categories of individuals covered by the system:

Individuals and organizations who have expressed an interest in receiving Commission consumer education material and who are in a position to share the information with consumers.

Categories of records in the system:

Contains name, title, organization, mailing address, and telephone number in most cases.

Authority for maintenance of the system:

Federal Trade Commission Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to mail consumer education material to individuals and organizations in the best position to disseminate the information to consumers.

Used by staff members of the Bureau of Consumer Protection. Most of the mailing lists are available to the public for inspection and

copying, with the exception of lists that are exempt from disclosure under 5 U.S.C. 552.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Letter-size files in filing cabinet and computer disc files.

Retrievability:

Indexed by name, name of organization, by zip code, and by list category.

Safeguards:

Secured as are other files in the Bureau of Consumer Protection by being in a closed drawer in a building with guards stationed at the building entrance. Access limited to those agency personnel whose responsibilities require access.

Retention and disposal:

Maintained indefinitely for future reference, updating, and mailing.

System manager(s) and address:

Associate Director for Consumer Education, Bureau of Consumer Protection, Federal Trade Commission.

Notification procedure:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW, Washington, D.C. 20580.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual on whom the record is maintained.

Title 16-Commercial Practices
Chapter I-Federal Trade Commission
PART 4—MISCELLANEOUS RULES

Sec.

4.13 Privacy Act rules.

Authority: Sec. 5, 36 Stat. 721; 15 U.S.C. 46, unless otherwise noted.

Source: 32 FR 8450, June 13, 1967, unless otherwise noted.

Note: Nomenclature changes appearing in Part 4 see 37 FR 22611, Oct. 20, 1972. Nomenclature changes to § 4.13 appeared at 46 FR 26292, May 12, 1981.

§ 4.13 Privacy Act rules.

(a) *Purpose and scope.* (1) This section is promulgated to implement the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a) by establishing procedures whereby an individual can, as to all systems of records maintained by the Commission except those set forth in § 4.13(m) as exempt from disclosure, (i) request notification of whether the Commission maintains a record pertaining to him in any system of records, (ii) request access to such a record or to an accounting of its disclosure, (iii) request that the record be amended or corrected, and (iv) appeal an initial adverse determination of any such request. This section also establishes those systems of records that are specifically exempt from disclosure and from other requirements.

(2) The procedures of this section apply only to requests by an individual as defined in § 4.13(b). Except as otherwise provided, they govern only records containing personal information in systems of records for which notice has been published by the Commission in the **Federal Register** pursuant to section 552a(e)(4) of the Privacy Act of 1974 and which are neither exempt from the provisions of this section nor contained in government-wide systems of personnel records for which notice has been published in the **Federal Register** by the Office of Personnel Management. Requests for notification, access, and amendment of personnel records which are contained in a system of records for which notice has been given by the Office of Personnel Management are governed by the Office of Personnel Management's notices, 5 CFR Part 297. Access to records which are not subject to the requirements of the Privacy Act are governed by §§ 4.0-4.11.

(b) *Definitions.* The following definitions apply to this section only:

(1) "Individual" means a natural person who is a citizen of the United States or an alien lawfully admitted for permanent residence.

(2) "Record" means any item, collection, or grouping of personal information about an individual that is maintained by the Commission, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph, but does not include information concerning proprietorships, businesses, or corporations.

(3) "System of records" means a group of any records under the control of the Commission from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual, for which notice has been published by the Commission in the **Federal Register** pursuant to 5 U.S.C. 552a(e)(4).

(c) *Procedures for requests pertaining to individual records in a record system.* An individual may request access to his records or any information pertaining to him in a system of records, and notification of whether and to whom the Commission has disclosed a record for which an accounting of disclosures is required to be kept and made available to him, using the procedures of this subsection. Requests for the disclosure of records under this subsection or to determine whether a system of records contains records pertaining to an individual or to obtain an accounting of disclosures, shall be in writing and if mailed, addressed as follows:

Privacy Act Request, Office of the Secretary,
 Federal Trade Commission, 6th Street and
 Pennsylvania Avenue NW, Washington,
 D.C. 20580.

If requests are presented in person at the Deputy Executive Director for Planning and Information, the individual shall be required to execute a written request. All requests must name the system of records which is the subject of the request, and must include any additional information specified in the pertinent system notice as necessary to locate the records requested. If the requester desires to permit a person to accompany him to review his record, the request shall so state. Nothing in this section shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

(d) *Times, places, and requirements for identification of individuals making requests.* Verification of identity of persons making written requests to the Deputy Executive Director for Planning

and Information ordinarily will not be required. The signature upon such requests shall be deemed to be a certification by the person signing that he is the individual to whom the record pertains or the parent of a minor or the duly appointed legal guardian of the individual to whom the record pertains. The Deputy Executive Director for Planning and Information may require additional verification of identity as specified by him when necessary reasonably to assure that records are not improperly disclosed; provided, however, that no verification of identity will be required where the records sought are publicly available under the Freedom of Information Act.

(e) *Disclosure of requested information to individuals.* Within ten (10) working days of receipt of a request under § 4.13(c), the Deputy Executive Director for Planning and Information shall acknowledge receipt of the request. Within thirty (30) working days of the receipt of a request under § 4.13(c), the Deputy Executive Director for Planning and Information shall inform the requester whether a system of records containing retrievable information pertaining to the requester exists, and if so, either that his request has been granted or that the requested records or information is exempt from disclosure pursuant to § 4.13(m). When, for good cause shown, the Deputy Executive Director for Planning and Information is unable to respond within thirty (30) working days of the receipt of the request, he shall notify the requester of that fact and approximately when it is anticipated that a response will be made.

(f) *Special procedures: Medical records.* When the Deputy Executive Director for Planning and Information determines that disclosure of a medical or psychological record directly to a requesting individual could have an adverse effect on the individual, he shall require the individual to designate a medical doctor to whom the record will be transmitted.

(g) *Request for correction or amendment of record.* An individual to whom access to his records or any information pertaining to him in a system of records has been granted may request that any portion thereof be amended or corrected because he believes it is not accurate, relevant, timely, or complete. An initial request for correction or amendment of a record shall be in writing whether presented in person or by mail, and if by mail, addressed as in § 4.13(c). In making a request under this subsection, the requesting party shall state the nature of

the information in the record the individual believes to be inaccurate, irrelevant, untimely, or incomplete, the correction or amendment desired, and the reasons therefore.

(h) *Agency review of request for correction or amendment of record.* Whether presented in person or by mail, requests under § 4.13(g) shall be acknowledged by the Deputy Executive Director for Planning and Information within ten (10) working days of the receipt of the request if action on the request cannot be completed and the individual notified of the results within that time. Thereafter, the Deputy Executive Director for Planning and Information shall promptly either make the requested amendment or correction or inform the requester of his refusal to make the amendment or correction, the reasons for the refusal, and the requester's right to appeal that determination in accordance with § 4.13(i).

(i) *Appeal of initial adverse agency determination.* (1) If the Secretary denies an initial request under § 4.13(c) or § 4.13(g), the requester may appeal that determination to the Commission. The appeal shall be in writing and addressed as follows:

Privacy Act Appeal, Office of the General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW, Washington, D.C. 20580.

The Commission shall notify the requester within thirty (30) working days of the receipt of his appeal of the disposition of that appeal, except that the thirty (30) day period may be extended for good cause, in which case the requester will be advised of the approximate date on which review will be completed.

(2) (i) If the Commission refuses to amend or correct the record in

accordance with a request under § 4.13(g), it shall notify the requester of that determination and inform him of his right to file with the Deputy Executive Director for Planning and Information a concise statement setting forth the reasons for his disagreement with that determination and the fact that such a statement will be treated as set forth in subdivision (ii) of this subparagraph. The Commission shall also inform the requester that judicial review of the determination is available by a civil suit in the district in which the requester resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia.

(ii) If the individual files a statement disagreeing with the Commission's determination not to amend or correct a record, it shall be clearly noted in the record involved and made available to anyone to whom the record has been disclosed after September 27, 1975, or is subsequently disclosed together with, if the Commission deems it appropriate, a brief statement of the reasons for refusing to amend the record.

(j) *Disclosure of record to person other than the individual to whom it pertains.* Except as provided by 5 U.S.C. 552a(b), the written request or prior written consent of the individual to whom a record pertains, or of his parent if a minor, or legal guardian if incompetent, shall be required before such record is disclosed. If the individual elects to inspect a record in person and desires to be accompanied by another person, the Deputy Executive Director for Planning and Information may require the individual to furnish a signed statement authorizing his record to be disclosed in the presence of the accompanying named person.

(k) *Fees.* No fees shall be charged for searching for a record, reviewing it, or

for copies of records made by the Commission for its own purposes incident to granting access to a requester. Copies of records to which access has been granted under this section may be obtained by the requester from the Deputy Executive Director for Planning and Information upon payment of the reproduction fees provided in § 4.8(c)(2).

(l) *Penalties.* Section 552a(i)(3) of the Privacy Act, 5 U.S.C. 552a(i)(3), makes it a misdemeanor, subject to a maximum fine of \$5,000, to knowingly and willfully request or obtain any record concerning an individual under false pretenses. Sections 552a(i)(1) and (2) of the Privacy Act, 5 U.S.C. 552a(i) (1) and (2), provide penalties for violations by agency employees of the Privacy Act or regulations established thereunder. Title 18 U.S.C. 1001, Crimes and Criminal Procedures, makes it a criminal offense, subject to a maximum fine of \$10,000 or imprisonment for not more than 5 years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

(m) *Specific exemptions.* Pursuant to 5 U.S.C. 552a(k)(2), investigatory material compiled for law enforcement purposes in the following systems of records is exempt from subsections (c)(3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f) of 5 U.S.C. 552a, and from the provisions of this section, except as otherwise provided in section 552a(k)(2):

Disciplinary Action Investigatory Files—FTC.
Investigational, Legal, and Public Records—FTC.

Litigation Information Management Systems for Investigations, Rulemaking, and Adjudicatory Proceedings—FTC.
Preliminary Investigation Files—FTC.

[40 FR 40780, Sept. 3, 1975; as amended at 48 FR 4280, Jan. 31, 1983]

COMMISSION ON FINE ARTS

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CFA-1 Members of the Commission of Fine Arts and the Board of Architectural Consultants for Old Georgetown.

CFA-2 Personnel Administration.

CFA-1

System name: Members of the Commission of Fine Arts and the Board of Architectural Consultants for Old Georgetown—CFA.

Security classification: None.

System location: Commission of Fine Arts offices, 708 Jackson Place, NW, Washington, D.C. 20006.

Categories of individuals covered by the system: Presidentially-appointed members of the Commission of Fine Arts and Commission-appointed members of the Board of Architectural Consultants for Old Georgetown.

Categories of records in the system: These records contain self-supplied biographical data, relevant newspaper and periodical clippings; appointed affidavits; appointment, acceptance, resignation, and other related correspondence.

Authority for maintenance of the system: An Act Establishing a Commission of Fine Arts, Pub. L. 181, 61st Congress, H. R. 19962, 40 U.S.C. 104, 36 Stat. 371; Old Georgetown Act, Pub. L. 808, 81st Congress, H. R. 5660, 40 U.S.C. 121, 53 Stat. 1144.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are routinely used for research and reference purposes, both in-house and for other government agencies and the general public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Current records are stored in files in the second floor offices of the Commission and past records are stored in files in the basement file room of the Commission.

Retrievability: Records are arranged alphabetically by last name under the general headings of "FAA (Fine Arts Act)-CFA (Commission of Fine Arts)-Members" and "FAA-OGB (Old Georgetown Board)-Member".

Safeguards: Access to the basement file room is limited to Commission staff members or individuals escorted by a staff member; access to second floor files is under surveillance by the Commission staff as all visitors must be individually admitted at the front door and are greeted by a staff member.

Retention and disposal: Records are maintained on the premises at 708 Jackson Place, NW, Washington, DC 20006, until such time as a determination is made to transfer them to the National Records Center; they are maintained there under the same retrievability system until such time as determination is made to transfer them to the National Archives or that they be destroyed.

System manager(s) and address: Secretary, Commission of Fine Arts, 708 Jackson Place, NW, Washington, D.C. 20006.

Notification procedure: Requests to be notified whether or not the system contains a record pertaining to an individual should be addressed to the Secretary, Commission of Fine Arts, 708 Jackson Place, NW, Washington, D.C. 20006.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information obtained from individual to whom it pertains; newspapers, periodicals, and other publications; official correspondence to and of the Commission of Fine Arts.

Systems exempted from certain provisions of the act: Not applicable.

CFA-2

System name: Personnel Administration—CFA.

Security classification: None.

System location: Commission of Fine Arts offices, 708 Jackson Place, NW, Washington, D.C. 20006.

Categories of individuals covered by the system: Employees, past and present, of the Commission of Fine Arts.

Categories of records in the system: These records may contain employee time and attendance records; annual and sick leave records; personnel grievances; EEO discrimination complaints; Privacy Act implementation records; and other personnel administrative records which are not part of the personnel data maintained by the Civil Service Commission.

Authority for maintenance of the system: An Act Establishing a Commission of Fine Arts, Pub. L. 181, 61st Congress, H. R. 19962, 40 U.S.C. 104, 36 Stat. 371.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Except for disclosures to officers or employees of the Commission of Fine Arts in connection with the performance of their official duties for the agency, there are no routine uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in the office safe in the basement file room of the offices of the Commission.

Retrievability: Records are arranged alphabetically by last name under the subheadings Time and Attendance Records; Annual and Sick Leave Records; Personnel Grievances; EEO Discrimination Complaint Records; Privacy Act Implementation Records; and, in all other cases, on the left side of the employee's Official Personnel Folder, also maintained alphabetically by last name in the office safe.

Safeguards: Access to the combination of the office safe is limited to the Secretary and the Assistant Secretary of the Commission, and all records retrieved from this record system will be retrieved by them.

Retention and disposal: Same as CFA-1 above.

System manager(s) and address: Secretary, Commission of Fine Arts, 708 Jackson Place, NW, Washington, D.C. 20006.

Notification procedure: Requests to be notified whether or not the system contains a record pertaining to an individual should be addressed to: Secretary, Commission of Fine Arts, 708 Jackson Place, NW, Washington, D.C. 20006.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Inter- and intra-office memos and correspondence from the individual to whom it pertains, the Secretary, the Chairman, the General Counsel, the Department of the Interior, the Civil Service Commission, and any other relevant source; bi-weekly time and attendance reports; and bi-weekly payroll statements to employees.

Systems exempted from certain provisions of the act: Not applicable.

COMMISSION OF FINE ARTS

5 CFR PART 2106—RULES FOR COMPLIANCE WITH 5 U.S.C. 552a, THE PRIVACY ACT OF 1974

Sec.

- 2106.1 Rules for determining if an individual is the subject of a record.
- 2106.2 Requests for access.
- 2106.3 Access to the accounting of disclosures from records.
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- 2106.5 Requests to amend records.
- 2106.6 Request for review.
- 2106.7 Schedule of fees.

Authority: Pub. L. 93-579, 88 Stat. 1896 [5 U.S.C. 552a(f)].

Source: 40 FR 52369, Nov. 10, 1975. Redesignated and amended at 51 FR 23056, Jun. 25, 1986, unless otherwise noted.

§ 2106.1 Rules for determining if an individual is the subject of a record.

(a) Individuals desiring to know if a specific system of records maintained by the Commission of Fine Arts contains a record pertaining to them should address their inquiries to the Secretary, Commission of Fine Arts, 708 Jackson Place, NW, Washington, D.C. 20006. The written inquiry should contain a specific reference to the system of records maintained by CFA listed in the CFA Notices of Systems of Records or it should describe the type of record in sufficient detail to reasonably identify the system of records. Notice of CFA Systems of Records will be made in the **Federal Register** and copies of the notices will be available upon request to the Secretary when so published. A compilation of such notices will also be made and published by the Office of the Federal Register in accordance with section 5 U.S.C. 552a(f).

(b) At a minimum, the request should contain sufficient identifying information to allow CFA to determine if there is a record pertaining to the individual making the request in a particular system of records. In instances where identification is insufficient to insure disclosure to the individual to whom the information pertains in view of the sensitivity of the information, CFA reserves the right to solicit from the requester additional identifying information.

(c) Ordinarily the requester will be informed whether the named system of records contains a record pertaining to the requester within 10 days of the receipt of such a request (excluding Saturdays, Sundays, and legal Federal holidays). Such a response will also contain or reference the procedures which must be followed by the individual making the request in order to gain access to the record.

(d) Whenever a response cannot be made within 10 days, the Secretary will inform the requester of the reasons for the delay and the date by which a response may be anticipated.

§ 2106.2 Requests for access.

(a) **Requirement for written requests.** Individuals desiring to gain access to a record pertaining to them in a system of records maintained by CFA must submit their request in writing in accordance with the procedures set forth in paragraph (b) of this section.

(b) **Procedures.** (1) Content of the request. The request for access to a record in a system of records shall be addressed to the Secretary, at the address cited above; and shall name the system of records or contain a description (as concise as possible) of such system of records. The request should state that the request is pursuant to the Privacy Act of 1974. In the absence of such a statement, if the request is for a record pertaining to the requester maintained by CFA in a system of records, the request will be presumed to be made under the Privacy Act of 1974. The requester should include any other information which may assist in the rapid identification of the record for which access is being requested (e.g., maiden name, dates of employment, etc.).

(2) Requirements for identification will normally be limited to the presentation of any standard picture and signature or signature identification card, such as driver's license, so that a comparison of the signature and the signature on the original request may be made. The appearing individual will be read paragraph (3), subsection (i) to Title 5 U.S.C. 552a which specifies the penalty for knowingly or willfully requesting or obtaining a record concerning an individual from an agency under false pretenses and asked to sign a statement attesting to the fact that he or she understands the paragraph and that he or she is, in fact, the individual who made the request (or the individual authorized to receive the disclosure by the requesting individual). This signature will be compared with the other two. If the appearing individual is other than the requesting individual, then he or she must also present a letter of introduction signed by the requesting individual so that the comparison of signature may be made.

(c) **CFA action on request.** (1) A request for access will ordinarily be answered within 10 days (excluding Saturdays, Sundays, and legal Federal holidays), except when the Secretary determines otherwise, in which case the requester will be informed of the reason

for the delay and an anticipated date by which the request will be answered. When the request can be answered within 10 days, it shall include the following:

(i) A statement that there is a record as requested or a statement that there is not a record in the system of records maintained by CFA;

(ii) A statement as to whether access will be granted only by providing a copy of the record through the mail; or the address of the location and the date and time at which the record may be examined. In the event the requester is unable to meet the specified date and time, alternate arrangements may be made with the official specified in paragraph (b)(1) of this section;

(iii) A statement, when appropriate, that examination in person will be the sole means of granting access only when the Secretary has determined that it would not unduly impede the requester's right of access;

(iv) The amount of fees charged, if any (see §§ 2106.4 and 2106.7); and

(v) The name, title, and telephone number of the CFR official having operational control over the record.

(A) **Access by the parent of a minor, or legal guardian.** A parent of a minor, upon presenting suitable personal identification, may access on behalf of the minor any record pertaining to the minor maintained by CFA in a system of records. A legal guardian may similarly act on behalf of an individual declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, upon the presentation of documents authorizing the legal guardian to so act; and upon suitable personal identification of the guardian.

(B) **Granting access when accompanied or represented by another individual.** When an individual requesting access to his or her record in a system of records maintained by CFA wishes to be accompanied or represented by another individual during the course of the examination of the record, the individual making the request shall submit to the official having operational control of the record a signed statement authorizing that person access to the record.

(C) **Access in response to congressional inquiries.** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(vi) **Medical records.** The records in a system of records which are medical records shall be disclosed to the

individual in such a manner and following such procedures as the Secretary shall direct. When CFA, in consultation with a physician, determines that the disclosure of medical information could have an adverse effect upon the individual to whom it pertains, CFA may transmit such information to a physician named by the individual.

(vii) *Exceptions.* Nothing in this section shall be construed to entitle an individual the right to access to any information compiled in reasonable anticipation of a civil action or proceeding.

[40 FR 52369, Nov. 10, 1975, as amended at 41 FR 2385, Jan. 16, 1976]

§ 2106.3 Access to the accounting of disclosures from records.

Rules governing the granting of access to the accounting of disclosures are the same as those for granting access to the records outlined in § 2106.2 of this Part.

§ 2106.4 Requests for copies of records.

Rules governing requests for copies of records are the same as those for the granting of access to the records outlined in § 2106.2 of this Part (see also § 2106.7 for rules regarding fees).

§ 2106.5 Requests to amend records.

(a) *Requirement's for written requests.* Individuals desiring to amend a record that pertains to them in a system of records maintained by CFA must submit their request in writing in accordance with the procedures set forth herein unless the requirement is waived by the official having responsibility for the system of records. Records not subject to the Privacy Act of 1974 will not be amended in accordance with these provisions; however, individuals who believe that such records are inaccurate may bring this to the attention of the CFA.

(b) *Procedures.* (1)(i) The request to amend a record in a system of records shall be addressed to the Secretary. Included in the request shall be the name of the system and a brief description of the record proposed for amendment. In the event the request to amend the record is the result of the individual's having gained access to the record as set forth above, copies of previous correspondence between the requester and CFA will serve in lieu of a separate description of the record.

(ii) Individuals desiring assistance in the preparation of a request to amend a record should contact the Secretary at the address cited above.

(iii) The exact portion of the record the individual seeks to have amended should be clearly indicated. If possible,

the proposed alternative language should also be set forth, or, at a minimum, the facts which the individual believes are not accurate, relevant, timely, or complete, should be set forth with such particularity as to permit CFA not only to understand the individual's basis for the request, but also to make an appropriate amendment to the record.

(iv) The request must also set forth the reasons why the individual believes his record is not accurate, relevant, timely, or complete. In order to avoid the retention by CFA of personal information merely to permit the verification of records, the burden of persuading CFA to amend a record will be upon the individual. The individual must furnish sufficient facts to persuade the official in charge of the system of the inaccuracy, irrelevancy, timeliness, or incompleteness of the record.

(2) *CFA action on the request.* To the extent possible, a decision upon a request to amend a record will be made within 10 days (excluding Saturdays, Sundays, and legal Federal holidays). In the event that a decision cannot be made within this time frame, the individual making the request will be informed within the 10 days of the expected date for a decision. The decision upon a request for amendment will include the following:

(i) The decision of the Commission of Fine Arts whether to grant in full, or deny any part of the request to amend the record;

(ii) The reasons for the determination for any part of the request which is denied;

(iii) The name and address of the official with whom an appeal of the denial may be lodged;

(iv) The name and address of the official designated to assist, as necessary, and upon the request of, the individual making the request in preparation of the appeal;

(v) A description of the review of the appeal within CFA (see § 2106.6); and

(vi) A description of any other procedures which may be required of the individual in order to process an appeal.

§ 2106.6 Request for review.

(a) Individuals wishing to request a review of the decision by CFA with regard to an initial request to amend a record in accordance with the provisions of § 2106.5 of this Part, should submit the request for review in writing and, to the extent possible, include the information specified in paragraph (a) of this section. Individuals desiring assistance in the preparation of their request for review should contact the

Secretary at the address provided herein.

(b) The request for review should contain a brief description of the record involved or in lieu thereof, copies of the correspondence from CFA in which the request to amend was denied and also the reasons why the requester believes that the disputed information should be amended. The request for review should make reference to the information furnished by the individual in support of his claim and the reasons as required by § 2106.5 of this Part set forth by CFA in its decision denying the amendment. Appeals filed without a complete statement by the requester setting forth the reasons for the review will, of course, be processed. However, in order to make the appellate process as meaningful as possible, the requester's disagreement should be understandably set forth. In order to avoid the unnecessary retention of personal information, CFA reserves the right to dispose of the material concerning the request to amend a record if no request for review in accordance with this section is received by CFA within 180 days of the mailing by CFA of its decision upon an initial request. A request for review received after the 180-day period may, at the discretion of the Secretary, be treated as an initial request to amend a record.

(c) The request for review should be addressed to the Secretary.

(d) Upon receipt of a request for review, the Secretary will convene a review group composed of the Secretary and the Chairman. This group will review the basis for the requested review and will develop a recommended course of action to the office's Committee on Freedom of Information and Privacy (hereinafter referred to as the Committee). If at any time additional information is required from the requestee, the Secretary is authorized to acquire it or authorize its acquisition from the requester.

(e) The Committee is composed of:

(1) The Chairman;

(2) The Secretary;

(3) The Assistant Secretary;

(4) The Administrative Assistant.

(f) The Committee will review the request for review and the recommended course of action and will recommend a decision on the request for review to the Chairman, who has the final authority regarding appeals.

(g) The Chairman will inform the requester in writing of the decision on the request for review within 30 days (excluding Saturdays, Sundays, and legal Federal holidays) from the date of receipt by CFA of the individual's

request for review unless the Chairman extends the 30-day period for good cause. The extension of and the reasons therefor will be sent by CFA to the requester within the initial 30-day period. Included in the notice of a decision being reviewed, if the decision does not grant in full the request for review, will be a description of the steps the individual may take to obtain judicial review of such a decision, and a statement that the individual may file a concise statement with CFA setting

forth the individual's reasons for his disagreement with the decision upon the request for review. The Secretary has the authority to determine the "conciseness" of the statement, taking into account the scope of the disagreement and the complexity of the issues. Upon the filing of a proper concise statement by the individual, any subsequent disclosure of the information in dispute will have the information in dispute clearly noted and a copy of the concise statement furnished, as well as

a concise statement by CFA setting forth its reasons for not making the requested changes, if CFA chooses to file such a statement. A copy of the individual's statement, and, if it chooses, CFA's statement will be sent to any prior transferree of the disputed information who is listed on the accounting required by 5 U.S.C. 552a(c).

§ 2106.7 Schedule of fees.

No fees will be charged for search, review, or copies of the record.

GENERAL ACCOUNTING OFFICE

4 CFR PART 83—PRIVACY PROCEDURES FOR PERSONNEL RECORDS

- Sec.
- 83.1 Purpose and scope of part.
 - 83.2 Administration.
 - 83.3 Definitions.
 - 83.4 Conditions of disclosure.
 - 83.5 Specific disclosure of information.
 - 83.6 Accounting of certain disclosures.
 - 83.7 GAO policy and requirements.
 - 83.8 Standards of conduct.
 - 83.9 Social security number.
 - 83.10 First amendment rights.
 - 83.11 Official Personnel Folder.
 - 83.12 Procedures for individual access to records.
 - 83.13 Inquiries.
 - 83.14 Denial of access requests.
 - 83.15 Request for amendment of record.
 - 83.16 Administrative review of request for amendment of record.
 - 83.17 Fees.
 - 83.18 Rights of legal guardians.
 - 83.19 Government contractors.
 - 83.20 Mailing lists.
 - 83.21 Exemptions.

Appendix I—Memorandum of Understanding.

Authority: 31 U.S.C. 711(1); Memorandum of Understanding between the U.S. Office of Personnel Management, the National Archives and Records Service of the General Services Administration and the U.S. General Accounting Office; 4 CFR Part 81; 5 CFR Parts 294–297; and 31 U.S.C. 731, et seq.

Source: 50 FR 13163, Apr. 3, 1985.

§ 83.1 Purpose and scope of part.

This part describes the policy and prescribes the procedures of the United States General Accounting Office (GAO) with respect to maintaining and protecting the privacy of GAO personnel records. While GAO is not subject to the Privacy Act (Act) (5 U.S.C. 552a), GAO's policy is to conduct its activities in a manner that is consistent with the spirit of the Act and its duties, functions, and responsibilities to the Congress.

Application of the Privacy Act to GAO is not to be inferred from the provisions of these regulations. These regulations are designed to safeguard individuals against invasions of personal privacy by requiring GAO, except as otherwise provided by law, to—

(a) Protect privacy interests of individuals by imposing requirements of accuracy, relevance, and confidentiality for the maintenance and disclosure of personnel records;

(b) Inform individuals of the existence of systems of personnel records maintained by GAO containing personal information; and

(c) Inform individuals of the right to see and challenge the contents of

personnel records containing information about them.

This part applies to all systems of personnel records (as defined in § 83.3(g)) for which GAO is responsible.

§ 83.2 Administration.

The administration of this part is the duty and responsibility of the Director, Personnel, United States General Accounting Office, 441 G Street NW, Washington, D.C. 20548. To this end, the Director, Personnel, in consultation with the Office of the General Counsel, is authorized to issue such supplemental regulations or procedural directives as may be necessary and appropriate.

(a) The Director, Personnel, shall have general responsibility and authority for implementing this part, including—

(1) Approving all systems of personnel records to be maintained by GAO (whether physically located in GAO's Office of Personnel or elsewhere), including the contents and uses of such systems, accounting methods, and security methods; and

(2) Responding to an individual's request to gain access to or amend his or her own personnel records.

(b) The Director, Personnel, may delegate within GAO any of his functions under this part.

§ 83.3 Definitions.

As used in this part:

(a) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) "Information" means papers, records, photographs, magnetic storage media, micro storage media, and other documentary materials, regardless of physical form or characteristics, containing data about an individual and required by GAO in pursuance of law or in connection with the discharge of official business, as defined by statute, regulation, or administrative procedure;

(c) "Maintain" includes to collect, to use, or to disseminate;

(d) "Personnel record" means any record concerning an individual which is maintained pursuant to GAO's personnel management process or personnel policy setting process;

(e) "Record" means any item, collection, or grouping of information about an individual that is maintained by GAO, including, but not limited to, education, financial transactions, medical history, criminal history, or employment history, that contains the name or other identifying particular assigned to the individual, such as a fingerprint, voice print, or a photograph;

(f) "Routine use" means the disclosure of a record for a purpose which is

compatible with the purpose for which it was collected;

(g) "System of personnel records" means a group of personnel records under the control of GAO from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual; and,

(h) "System manager" means the Director of Personnel, his designee, or other GAO official designated by the Comptroller General, who has the authority to decide matters relative to systems of personnel records maintained by GAO.

§ 83.4 Conditions of disclosure.

GAO shall not disclose any record that is contained in a system of personnel records by any means of communication to any person or organization, including another agency, without the prior written consent of the individual to whom the record pertains, unless disclosure of the record would be:

(a) To those officers and employees of GAO who have a need for the record in the performance of their duties; or

(b) Required under regulations implementing the public availability of GAO records published at Part 81 of this chapter, or authorized under § 83.5; or

(c) For a routine use as defined in § 83.3(f); or

(d) To a recipient who has provided GAO with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable; or

(e) To another agency or an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, if the head of the agency or instrumentality has made a written request to GAO specifying the particular record desired and the law enforcement activity for which the record is sought; or

(f) To any person pursuant to a showing of compelling circumstances affecting the health or safety of an individual (not necessarily the data subject) if upon such disclosure notification is transmitted to the last known address of the subject of the personnel record; or

(g) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee of Congress; or

(h) Pursuant to the order of a court of competent jurisdiction or in connection with any judicial or quasi-judicial proceedings; or

(i) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13, United States Code; or

(j) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value; or

(k) To a consumer reporting agency in accordance with 31 U.S.C. 3711(f).

§ 83.5 Specific disclosure of information.

(a) This section governs responses to a member of the public, prospective employers, and law enforcement officials, for access to information covered by this part. It does not limit in any way other disclosures of information pursuant to other provisions of this part.

(b) The following information about most present and former GAO employees is available to the public:

- (1) Name;
- (2) Present and past position titles;
- (3) Present and past grades;
- (4) Present and past salaries; and
- (5) Present and past duty stations (which include room numbers, shop designations, or other identifying information regarding buildings or places of employment).

(c) Disclosure of the above information will not be made where the information requested is a list of present or past position titles, grades, salaries, and/or duty stations of Government employees which, as determined by the Director, Personnel, is:

(1) Selected in such a way as to constitute a clearly unwarranted invasion of personal privacy because the nature of the request calls for a response that would reveal more about the employees on whom information is sought than the five enumerated items; or

(2) Would otherwise be protected from mandatory disclosure under an exemption of Part 81 of this title concerning the public availability of GAO records.

(d) In addition to the information that may be made available under paragraph (a) of this section, GAO may make available the following information to a prospective employer of a GAO employee or former GAO employee:

- (1) Tenure of employment;

(2) Civil service status;

(3) Length of service in GAO and the Government; and

(4) When separated, the date and reason for separation shown on the required standard form.

(e) In addition to the information to be made available under paragraph (a) of this section, the home address of an employee shall be made available to a police or court official on receipt of a proper request stating that an indictment has been returned against the employee or that complaint, information, accusation, or other writ involving nonsupport or a criminal offense has been filed against the employee and the employee's address is needed for service of a summons, warrant, subpoena, or other legal process.

(f) Except as provided in paragraphs (a) through (e) of this section, and except as provided in this part, information required to be included in an Official Personnel Folder is not available to the public and is protected from disclosure by § 81.6(f) of this chapter.

(g) Personnel Appeal Files. (Those records maintained by the General Accounting Office Personnel Appeals Board of petitions or appeals filed with the Board by GAO employees, former employees, or applicants for employment. Such records do not include any of the investigative files or reports of the Personnel Appeals Board General Counsel. See 4 CFR 28.18(c)). GAO, upon receipt of a request which identifies the individual from whose file the information is sought, shall disclose the following information from a Personnel Appeal File to a member of the public, except when the disclosure would constitute a clearly unwarranted invasion of personal privacy:

- (1) Confirmation of the name of the individual from whose file the information is sought and the names of the other parties concerned;
- (2) The status of the case;
- (3) The decision on the case;
- (4) The nature of the action appealed; and

(5) With the consent of the parties concerned, other reasonably identified information from the file.

(h) Leave Records. The annual and sick leave record of an employee, or information from these records, is not to be made available to the public by GAO or other Government agency.

(i) Examinations and Related Subjects. Information concerning the results of examinations will be released only to the individual concerned, and to those parties explicitly designated in writing by the individual. The names of applicants for GAO positions or

eligibles on GAO or civil service registers, certificates, employment lists, or other lists of eligibles, or their ratings or relative standings are not information available to the public.

(j) Investigations.

(1) Upon written request, GAO will disclose to the parties concerned any report of personnel investigation under its control, or an extract of the report, to the extent the report is involved in a processed before GAO. For the purpose of this paragraph, the "parties concerned" means the Government employee involved in the proceeding, his or her representative designated in writing, and the representative of GAO involved in the proceeding. Where GAO obtains reports of personnel investigations or information from such reports from other government agencies on condition that it not release such data, GAO will refer parties requesting such information to the originating agency where their request will be processed.

(2) GAO will not make a report of investigation or information from a report under its control available to the public or to witnesses, except as otherwise required under GAO regulations implementing the public availability of records published at Part 81 of this chapter.

§ 83.6 Accounting of certain disclosures.

(a) With respect to each system of personnel records, GAO shall, except for disclosures made under §§ 83.4(a) and 83.4(b), keep an accurate accounting of—

- (1) The date, nature, and purpose of disclosure of a record to any person; and
- (2) The name and address of the person, agency, or organization to whom the disclosure is made.

(b) Such accounting shall be retained for at least 3 years or the life of the record, whichever is longer, after the disclosure for which the accounting is made.

(c) Except for disclosures made under § 83.4(e), the accounting shall be available upon written request to the individual named in the record.

§ 83.7 GAO policy and requirements.

(a) GAO shall maintain in its personnel records only such information about an individual as is relevant and necessary to accomplish an authorized official purpose. Authority to maintain personnel records does not constitute authority to maintain information in the record merely because a need for it may develop in the future. Both Government-wide and internal agency personnel records shall contain only information

concerning an individual that is relevant and necessary to accomplish GAO's personnel management objectives as required by statute, GAO internal directive, or formal agreements between GAO and other Federal agencies.

(b) GAO shall make every reasonable effort to collect information about an individual directly from that individual when the information may result in adverse determinations about the individual's rights, benefits, and privileges under Federal programs. Factors to be considered in determining whether to collect the data from the individual concerned or a third party are:

(1) The nature of the information is such that it can only be obtained from another party;

(2) The cost of collecting the information directly from the individual is unreasonable when compared with the cost of collecting it from another party;

(3) There is virtually no risk that information collected from other parties, if inaccurate, could result in a determination adverse to the individual concerned;

(4) The information supplied by an individual must be verified by another party; or

(5) Provisions are made, to the greatest extent practical, to verify information collected from another party with the individual concerned.

(c) GAO shall inform each individual whom it asks to supply information for a personnel record, on the form which it uses to collect the information or on a separate form that can be retained by the individual, of—

(1) The authority for the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(2) The principal purpose or purposes for which the information is intended to be used;

(3) The routine uses which may be made of the information, as published pursuant to paragraph (d)(4) of this section; and

(4) The effects, if any, of not providing all or any part of the requested information;

(d) Subject to the provisions of paragraph (i) of this section, GAO shall publish in the **Federal Register**, upon establishment or revision, a notice of the existence and character of its systems of personnel records. Such notice shall include—

(1) The name and location(s) of each system of personnel records;

(2) The categories of individuals about whom records are maintained in each such system;

(3) The categories of records maintained in each system of personnel records;

(4) Each routine use of the records contained in each system of personnel records, including the categories of users and the purpose(s) of such use;

(5) The policies and practices of GAO regarding storage, retrievability, access controls, retention, and disposal of the records;

(6) The title and business address of the GAO official who is responsible for maintaining each system of personnel records;

(7) GAO procedures whereby an individual can ascertain whether a system of personnel records contains a record pertaining to the individual;

(8) Procedures whereby an individual can request access to any record pertaining to him contained in any system of personnel records, and how the individual may contest its content; and

(9) The categories of sources of records in each system of personnel records.

(e) GAO shall maintain all records which it uses in making any determination about any individual with such accuracy, relevancy, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination;

(f) GAO shall, prior to disseminating any record about an individual to any person other than a Federal agency, make all reasonable efforts to reassure that such records are accurate, complete, timely, and relevant for GAO's purposes;

(g) GAO shall make reasonable efforts to serve notice on an individual or his authorized representative when any personnel record on such individual is being made available to any person under compulsory legal process as soon as practicable after service of the subpoena or other legal process;

(h) GAO shall establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of personnel records or files or in maintaining any record, and to instruct each person with respect to such rules and requirements of this part, including any other rules and procedures adopted pursuant to this part;

(i)(1) GAO shall establish and maintain appropriate administrative, technical and physical safeguards to ensure the security and confidentiality of personnel records. At a minimum, these controls shall require that all persons whose official duties require access to and use of personnel records be responsible and accountable for

safeguarding those records and for ensuring that the records are secured whenever they are not in use or under the direct control of authorized persons. Generally, personnel records should be held, processed, or stored only where facilities and conditions are adequate to prevent unauthorized access;

(2) Except for access by the data subject, only employees whose official duties require and authorize access shall be allowed to handle and use personnel records, in whatever form or media the records might appear. To the extent feasible, entry into personnel record storage areas shall be similarly limited. Documentation of the removal of records from storage areas must be kept so that adequate control procedures can be established to assure that removed records are returned intact on a timely basis and properly controlled during such period of removal.

(3) In addition to following the above security requirements, managers of automated personnel records shall establish and maintain administrative, technical, physical, and security safeguards for data about individuals in automated records, including input and output documents, reports, punched cards, magnetic tapes, disks, and on-line computer storage. As a minimum, the safeguards must be sufficient to:

(i) Prevent careless, accidental, or unintentional disclosure, modification, or destruction of identifiable personal data;

(ii) Minimize the risk of improper access, modification, or destruction of identifiable personnel data;

(iii) Prevent casual entry by persons who have no official reason for access to such data;

(iv) Minimize the risk of unauthorized disclosure where use is made of identifiable personal data in testing of computer programs;

(v) Control the flow of data into, through, and from computer operations;

(vi) Adequately protect identifiable data from environmental hazards and unnecessary exposure; and

(vii) Assure adequate internal audit procedures to comply with these procedures.

(4) The disposal of identifiable personal data in automated files is to be accomplished in such a manner as to make the data unobtainable to unauthorized personnel. Unneeded personal data stored on reusable media, such as magnetic tapes and disks, must be erased prior to release of the media for reuse.

(j) At least 30 days prior to publication of information under paragraph (d)(4) of this section, GAO

shall publish in the **Federal Register** notice of any new use or intended use of the information in the system, and provide an opportunity for interested persons to submit written data, views, or arguments to GAO.

§ 83.8 Standards of conduct.

(a) GAO employees whose official duties involve the maintenance and handling of personnel records shall not disclose information from any personnel record unless disclosure is part of their official duties or required by statute, regulation, or internal procedure.

(b) Any GAO employee who makes an unauthorized disclosure of personnel records or a disclosure of information derived from such records, knowing that such disclosure is unauthorized, or otherwise knowingly violates these regulations, shall be subject to appropriate disciplinary action. GAO employees are prohibited from using personnel information not available to the public, obtained through official duties, for commercial solicitation or sale, or for personal gain. Any employee who knowingly violates this prohibition shall be subject to appropriate disciplinary action.

§ 83.9 Social Security number.

(a) GAO may not require individuals to disclose their Social Security Number (SSN) unless disclosure would be required—

- (1) Under Federal statute; or
- (2) Under any statute, executive order, or regulation that authorizes any Federal, State, or local agency maintaining a system of records that was in existence and operating prior to January 1, 1975, to request the SSN as a necessary means of verifying the identity of an individual.

(b) Individuals asked to voluntarily provide their SSN shall suffer no penalty or denial of benefits for refusing to provide it.

(c) When GAO requests an individual to disclose his or her SSN, it shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.

§ 83.10 First amendment rights.

Personnel records or entries thereon describing how individuals exercise rights guaranteed by the First Amendment to the United States Constitution are prohibited, unless expressly authorized by statute or by the individual concerned, or unless pertinent to and within the scope of an authorized law enforcement activity. These rights include, but are not limited

to, free exercise of religious and political beliefs, freedom of speech and the press, and freedom to assemble and to petition the Government.

§ 83.11 Official Personnel Folder.

(a) GAO shall establish and maintain an Official Personnel Folder for each of its employees, except as provided in the GAO/U.S. OPM/GSA Memorandum of Understanding (see subsection (b)). Except as provided for in Federal Personnel Manual (FPM) Supplement 293-31 there will be only one Official Personnel Folder maintained for each employee.

(b) GAO/U.S. OPM/GSA Memorandum of Understanding. The Memorandum of Understanding agreed to by the U.S. General Accounting Office, the U.S. Office of Personnel Management (U.S. OPM), and the National Archives and Records Service of the General Services Administration (GSA), Appendix I, constitutes the official and sole agreement concerning the continuity and coordination of the Official Personnel Folder.

(c) GAO policy is to assure continuity and coordination of the Official Personnel Folder when a person, for whom an Official Personnel Folder has been established, separates from GAO, or transfers to or from GAO from or to a Federal agency subject to regulations of the U.S. OPM relating to Official Personnel Folders. GAO will maximize the pooling of information between itself and those Federal agencies subject to U.S. OPM rules and regulations concerning the Official Personnel Folder so that a GAO employee may transfer to and from other Federal agencies with one complete and informative Official Personnel Folder.

(d) Ownership of Official Personnel Folder.

(1) The Official Personnel Folders of individuals whose employment with GAO terminated prior to October 1, 1980, are the records of U.S. OPM and are under the jurisdiction and control of U.S. OPM.

(2) The Official Personnel Folders of current GAO employees whose GAO employment began on or after October 1, 1980, and who have had no previous employment by an executive branch agency of the Federal government shall be under the jurisdiction and control of, and are the records of GAO. GAO shall retain jurisdiction over such records even when they are transferred to an executive branch agency.

(3) The Official Personnel Folders of current GAO employees who were employed prior to October 1, 1980, by either GAO or an executive branch agency shall be under the control of

GAO, but those records established prior to October 1, 1980, by GAO, and all records established as a result of employment by an executive branch agency shall remain under the jurisdiction of, and be part of the records of, U.S. OPM.

(4) GAO will maintain those Official Personnel Folders containing records of employment by an executive branch Federal agency, or by GAO prior to October 1, 1980, in compliance with regulations of the U.S. OPM in accordance with the procedures contained in the Memorandum of Understanding and the provisions of regulations of U.S. OPM contained in 5 CFR Parts 293, 294, and 297, as well as the provisions of FPM Chapters 293, 294, and 297.

(e) Maintenance and Content of Folder. GAO shall maintain in the Official Personnel Folder the reports of selection and other personnel actions named in section 2951 of title 5, United States Code. The Folder shall also contain permanent records affecting the employee's status and service as required by U.S. OPM instructions and as designated in FPM Supplement 293-31.

(f) Use of Existing Folders upon Transfer or Reemployment. In accordance with paragraph (a) of this section, GAO shall request the transfer of the Official Personnel Folder for a person who was previously employed with a Federal agency that maintains such a Folder. The Folder so obtained shall be used in lieu of establishing a new Official Personnel Folder.

(1) When a person for whom an Official Personnel Folder has been established transfers from GAO to another Federal agency that maintains the Folder, GAO shall, on request, transfer the Folder to the new employing agency.

(2) Before transferring the Official Personnel Folder, GAO shall—

(i) Remove those records of a temporary nature filed on the left side of the Folder; and

(ii) Ensure that all permanent documents of the Folder are complete, correct, and present in the Folder in accordance with FPM Supplement 293-31.

(g) Disposition of Folders of Former Federal Employees.

(1) Folders containing the personnel records of individuals separated from employment with GAO will be retained by GAO for 30 days after separation, and may be retained for an additional 60 days. Thereafter, the Folder shall be transferred to the same location and in the same manner as Official Personnel

Folders of persons separated from Federal agencies which are subject to U.S. OPM regulations in accordance with the Memorandum of Understanding.

(2) GAO shall remove temporary records from the Folder before it is transferred in accordance with guidelines applicable to Federal agencies which are subject to U.S. OPM regulations.

(3) If a former GAO employee is reappointed in the Federal service, the employee's Folder shall, upon request, be transferred to the new employing agency.

(h) Access Requests and Amendments to the Official Personnel Folder. Requests for access to, disclosure from, correction of, or amendments to documents contained in the Official Personnel Folder will be made in accordance with the Memorandum of Understanding.

§ 83.12 Procedures for individual access to records.

(a) Upon written request by any individual outside of GAO or upon written or oral request by any officer or employee of GAO to gain access to his or her record or to any information pertaining to the individual which is contained in a system of personnel records, and not otherwise exempted, GAO shall permit the individual and upon the individual's request a person of his or her own choosing to accompany him or her, to review the record and have a copy made of all or any portion thereof in a form comprehensible to him or her, except that GAO may require the individual to furnish a written statement authorizing discussion of that individual's record in the accompanying person's presence. When access to the records has been granted by a system manager or designee:

(1) Inspection in person may be made in the office designated in the system notice during the hours specified by GAO.

(2) Upon the determination of the designated GAO official, records may be transferred to a GAO office more convenient to the data subject to review.

(3) Generally, GAO will not furnish certified copies of records. Where certified copies of records are to be furnished, they may be mailed at the request of the data subject or, as determined by GAO, only after payment of any fee levied in accordance with § 83.17 is received.

(4) In no event shall original records be made available for review by the individual except in the presence of a system manager or designee.

(b) The general identifying information items that the designated GAO official may ask to be furnished before a specific inquiry is granted include:

(1) Full name, signature, and home address;

(2) Picture identification card;

(3) The current or last place and dates of Federal employment, if appropriate; and

(4) Social security number (for those systems of records retrieved by this identifier).

(c) A request or inquiry from someone other than the individual to whom the information pertains shall contain such documents or copies of documents that establish the relationship or authorize access as follows:

(1) When the requester is the parent or legal guardian of a data subject who is a minor, the requester shall identify the relationship with the data subject and furnish a certified or authenticated (e.g., notarized) copy of any document establishing parentage or appointment as legal guardian.

(2) Where the requester is the legal guardian of a data subject who has been declared incompetent by the courts, the requester shall identify the relationship with the data subject and furnish a certified or authenticated copy of the court's appointment of guardianship.

(3) Where the requester is a representative of the data subject, the requester shall identify the relationship with the data subject or the data subject's parent or legal guardian, and furnish documentation designating the representative as having the authority to act on behalf of the data subject.

(d) When the requester appears in person and cannot be identified by sight and signature, proof of identity is required as follows:

(1) When a request is from the data subject, the means of proof, in order of preference, are:

(i) A document bearing the individual's photograph and signature (for example, driver's license, passport, or military or civilian identification card); or

(ii) Two documents bearing the individual's signature (for example, Medicare card, unemployment insurance book, employer identification card, major credit card, professional, draft, or union membership card).

(2) When a request is made by the parent, legal guardian, or authorized representative of the data subject, the means of identifying the requester and his or her authority for acting on behalf of the data subject shall be as prescribed in paragraph (c) of this section. In addition, the requester shall

establish the identity of the data subject by requiring the identifying information in paragraph (b) of this section.

(e) When a written inquiry or request is received from the data subject, or from the data subject's parent, legal guardian, or authorized representative, it should be signed and—

(1) For an inquiry, contain sufficient identifying information about the data subject to permit searching of the record system(s) and to permit response; and

(2) For an access request—

(i) From the data subject, contain sufficient information to locate the record and establish that the requester and the data subject are the same (e.g., matching signatures); or

(ii) From the data subject's parent, legal guardian, or authorized representative, contain sufficient information to locate the record, match identity with the data subject, and such documentation of association or authorization as is prescribed in paragraphs (c) and (d) of this section.

(f) The signed request from the data subject, or from the data subject's parent, legal guardian, or authorized representative specified in paragraph (c) of this section shall be sufficient proof of identity of the requester, unless for good cause, the system manager or designee determines that there is a need to require some notarized or certified evidence of the identity of the requester.

§ 83.13 Inquiries.

(a) General inquiries to request assistance in identifying which system of records may contain a record about an individual may be made in person or by mail to the Director, Personnel.

(b) An inquiry that requests GAO to determine if it has, in a given system of personnel records, a record about the inquirer, should be addressed to the official identified in the **Federal Register** notice for that system. Inquirers should specify the name of the system of personnel records, if known, as published in the **Federal Register**. Such inquiries should contain the identifying data prescribed in § 83.12 before a search can be made of that particular system of records.

§ 83.14 Denial of access requests.

(a) If an access request is denied, the official denying the request shall give the requester the following information:

(1) The official's name, position title, and business mailing address;

(2) The date of the denial;

(3) The reasons for the denial, including citation of appropriate sections of this or any other applicable part; and

(4) The individual's opportunities for further administrative consideration, including the name, position title, and address of the GAO official (see paragraph (c) of this section) responsible for such further review.

(b) Denial of a request for access to records will be made only by the official GAO designee and only upon a determination that:

(1) The record is subject to an exemption under § 83.21 when the system manager has elected to invoke the exemption; or

(2) The record is information compiled in reasonable anticipation of a civil action or proceeding; or

(3) The data subject or authorized representative of the data subject refuses to abide by procedures for gaining access to records.

(c) A request for administrative review of a denial shall be made to the Assistant Comptroller General for Human Resources, United States General Accounting Office, 441 G Street, NW, Washington, D.C. 20548. The Assistant Comptroller General shall acknowledge receipt of a request for administrative review of a denial of access within 10 working days after receipt of the request. If it is not possible to reach a decision within an additional 10 working days, the requester shall be informed of the approximate date (within 30 working days) when such a decision may be expected.

(d) In reaching a decision, the Assistant Comptroller General will review the criteria prescribed in this section which were cited as the basis for denying access, and may seek additional information as deemed necessary.

§ 83.15 Request for amendment of record.

(a) Individuals may request the amendment of their records in writing or in person by contacting the system manager or designee indicated in the notice of systems of records published by GAO in the **Federal Register**. Time limits will be measured from receipt at the proper office.

(b) A request for amendment should include the following:

(1) The precise identification of the records sought to be amended, deleted, or added.

(2) A statement of the reasons for the request, with all available documents and material that substantiate the request.

(c) GAO shall permit an individual to request amendment of a record pertaining to the individual. Not later than 10 working days after the date of receipt of such request, the designated GAO official shall acknowledge in

writing such request and, promptly, either—

(1) Make any correction of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(2) Inform the individual of the refusal to amend the record in accordance with his or her request, the reason for the refusal, and the name and business address of the GAO official responsible for the refusal.

(3) The GAO official shall permit an individual who disagrees with the refusal by the designated GAO official to amend his or her record to request review of such refusal. A request for administrative review of a denial shall be made in accordance with § 93.16.

(4) In any disclosure containing information about which the individual has filed a statement of disagreement, occurring after the filing of the statement under § 83.16(d), GAO shall clearly note any portion of the record which is disputed and provide copies of a concise statement of the reasons for not making the amendments requested, to persons or other agencies to whom the disputed record has been disclosed.

(5) Nothing in this section shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

(d) If necessary, the official authorized to rule on a request for amendment may seek additional information pertinent to the request to assure that a fair, equitable, and accurate decision is reached.

(e) The following criteria will be considered by the system manager or designee in reviewing initial requests for amendment of records:

(1) The sufficiency of the evidence submitted by the data subject;

(2) The factual accuracy of the information submitted and the information in the record;

(3) The relevancy, necessity, timeliness, and completeness of the information in light of the purpose for which it was collected;

(4) The degree of possibility that denial of the request could result in unfair determinations adverse to the data subject;

(5) The character of record sought to be amended;

(6) The propriety and feasibility of complying with specific means of amendment requested by the data subject; and

(7) The possible involvement of the record in a judicial or quasi-judicial process.

§ 83.16 Administrative review of request for amendment of record.

(a) A request for administrative review of GAO's denial to amend a record in GAO's system of personnel records shall be addressed to the Assistant Comptroller General for Human Resources, United States General Accounting Office, 441 G Street, NW, Washington, D.C. 20548. The Assistant Comptroller General shall acknowledge receipt of a request for administrative review of a denial of amendment within 10 working days.

(b) If a decision cannot be made within an additional 10-day period, a letter will be sent within that time explaining the delay and furnishing an expected date for the decision. A decision on the request must be made within 30 working days after receipt of the request. Only for good cause shown, and at the discretion of the Assistant Comptroller General for Human Resources can this time limit be extended. Any extension requires written notification to the requester explaining the reason for the extension and furnishing a new expected date for the decision. Generally, such extension shall be for no more than an additional 30 working days.

(c) When a request for administrative review of an amendment denial is submitted, the individual must provide a copy of the original request for amendment, a copy of the initial denial, and a statement of the specific reasons why the initial denial is believed to be in error.

(d) An individual requesting an amendment of a record has the burden of supplying information in support of the propriety and necessity of the amendment request. The decision on the request will then be rendered based on a review of the data submitted. The GAO official is not required to gather supporting evidence for the individual and will have the right to verify the evidence which the individual submits.

(e) Amendment of a record will be denied upon a determination by the system manager or designee that:

(1) The record is subject to an exemption from the provisions of this part, allowing amendment of records;

(2) The information submitted by the data subject is not accurate, relevant, or of sufficient probative value;

(3) The amendment would violate a statute or regulation;

(4) The individual refuses to provide information which is necessary to process the request to amend the record; or

(5) The record for which amendment is requested is a record presented in a

judicial or quasi-judicial proceeding, or maintained in anticipation of being used in a judicial or quasi-judicial proceeding, when such record is or will become available to the individual under that proceeding.

(f) If, after review, the Assistant Comptroller General for Human Resources also refuses to amend the record in accordance with the request, the individual will be permitted to file with the system manager or designee of the system of records concerned a concise statement setting forth the reasons for his or her disagreement. Any such statement of disagreement will be treated in accordance with paragraph (c)(4) of § 83.15.

§ 83.17 Fees.

(a) Generally, GAO's policy is to provide the first copy of any record or portion thereof, furnished as a result of this part, at no cost to the data subject or authorized representative. However, in cases where GAO deems it appropriate (for example, where the record is voluminous), the system manager or designee in his or her discretion may charge a fee when the cost for copying the record (at a rate of 20 cents per page) would be in excess of ten dollars (\$10).

(b) There shall be no fees charged or collected from a data subject for the following:

- (1) Search for or retrieval of the data subject's records;
- (2) Review of the records;
- (3) Making a copy of a record when it is a necessary part of the process of making the record available for review;
- (4) Copying at the initiative of GAO without a request from the individual;
- (5) Transportation of the record; and
- (6) Making a copy of an amended record to provide the individual with evidence of the amendment.

(c) Certification of authenticity shall be \$10 for each certificate, which fee may be waived in the discretion of the system manager or designee.

§ 83.18 Rights of legal guardians.

For the purposes of this part, the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual.

§ 83.19 Government contractors.

When GAO provides by a contract for the operation by or on behalf of GAO of a system of personnel records to accomplish a function of GAO, GAO shall, consistent with its authority, cause the requirements of this part to be

applied to such system. Any such contractor and any employee of such contractor, if such contract is agreed to on or after the effective date of this section, shall be considered, for the purposes of this part, to be an employee of GAO. Contractor employees will be required to observe the confidentiality requirements of this part. Violations of this part by contractor employees may be a sufficient ground for contract termination.

§ 83.20 Mailing lists.

An individual's name and address may not be sold or rented by GAO unless such action is specifically authorized by law. This provision shall not be construed to require the withholding of names and addresses otherwise permitted to be made public.

§ 83.21 Exemptions.

(a) All personnel records are exempted from §§ 83.6(c), 83.12, 83.13, 83.14, and 83.15, relating to making an accounting of disclosures available to the data subject or his authorized representative and access to and amendment of the records and other sections relating to procedural requirements of the above-cited sections if the record is:

(1) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and is in fact classified pursuant to such Executive order. See 31 U.S.C. 716(e)(1) and 718(b)(3) concerning the applicability of these requirements to GAO.

(2) Investigatory material compiled for law enforcement purposes: *Provided, however,* That if any individual is denied any right, privilege, or benefit that he would otherwise be entitled to by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an express or implied promise that the identity of the source would be held in confidence;

(3) Maintained in connection with providing protection services to the President of the United States or other individuals pursuant to section 3056 of Title 18, United States Code;

(4) Required by statute to be maintained and used solely as statistical records;

(5) Investigatory material compiled solely for the purposes of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of the source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an express or implied promise that the identity of the source would be held in confidence (see § 83.5(j)(1) for the procedure to be used to obtain investigative data originated by other Government agencies);

(6) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process; or

(7) Evaluation material used to determine potential for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an express or implied promise that the identity of the source would be held in confidence.

Appendix I—Memorandum of Understanding

This memorandum of understanding constitutes an agreement between the U.S. Office of Personnel Management (OPM), the National Archives and Records Service of the General Services Administration (NARS), and the U.S. General Accounting Office (GAO) concerning:

(1) The maintenance of the Official Personnel Folder (OPF) of an individual who has been employed in a position subject to the provisions of Title 5, U.S.C. and to the regulations and procedures issued by OPM to govern the Federal civil service, and also in a position subject to the CAO Personnel Act of 1980 (Pub. L. 96-191) and its implementing regulations and procedures;

(2) The exchange of personnel documents and data between the Federal civil service administered by OPM and the personnel system administered by GAO;

(3) The establishment of procedures for processing requests for access to, disclosure from, and amendment of documents in the OPF of an individual who has service under both personnel systems;

(4) The establishment of procedures to be followed by the National Personnel Records Center (NPRC) when responding to requests pertaining to separated employees in any of the following circumstances:

(a) When the OPF contains documentation resulting from employment in both systems;

(b) When a request is received for transfer of an OPF between systems;

(c) When processing a request for an OPF, and that OPF contains only records of GAO employment since October 1, 1980;

(5) The agreement of the parties to consult and cooperate in matters relating to the establishment and revision of personnel procedures which may have mutual effect so as to insure the sharing of essential information while minimizing the recordkeeping burden of all three parties.

It is recognized that adjustments to this memorandum may be needed from time to time in order to conform to program changes imposed by statute, executive order, or other appropriate authority. Such adjustments will be made by mutual agreement between the parties and will be appended to this agreement.

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